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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

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UNITED STATES OF AMERICA

v.

IMRAN ALRAI

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1:18-cr-192-JL

December 3, 2019

9:35 a.m.

TRANSCRIPT OF BENCH TRIAL  
DAY TWO - MORNING SESSION  
BEFORE THE HONORABLE JOSEPH N. LAPLANTE

Appearances:

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Matthew Hunter, AUSA  
Cam T. Le, AUSA  
United States Attorney's Office

For the Defendant:

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Official Court Reporter  
United States District Court  
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## I N D E X

<u>WITNESS:</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
RICHARD VOCCIO	4	52	76	--
MAUREEN JOHNSON	79	95	99	--
PHILIP KOWALCZYK	100	118	129	--
CHARLES CIOFFI	134			

<u>EXHIBITS:</u>	<u>FOR ID</u>	<u>IN EVD</u>
Government's 410		17
Government's 404		29
Government's 655		35
Government's 600		37
Government's 101		43
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1 P R O C E E D I N G S

2 THE CLERK: The Court has before it for  
3 consideration today day two of the bench trial in  
4 criminal case 18-cr-1923-01-JL, United States of America  
5 vs. Imran Alrai.

6 THE COURT: All right. Let's have the witness  
7 resume the stand.

8 MR. DAVIS: Mr. Voccio.

9 THE COURT: Sir, you're still under oath.  
10 Counsel, you may proceed.

11 CONTINUED DIRECT EXAMINATION

12 BY MR. DAVIS:

13 Q. Good morning.

14 A. Good morning.

15 Q. When we broke, we were talking about  
16 March 27th, 2018, when Dom Pallaria came to see you. Do  
17 you recall that day?

18 A. Yes, I do.

19 Q. All right. And I'm not going to ask you what  
20 he said to you, but did he bring you documents?

21 A. He did.

22 Q. And did the documents pertain to DigitalNet  
23 and also the AISA Consulting Group company?

24 A. Yes.

25 Q. And did they show an apparent connection based

1 on some prior addresses in corporate documents that  
2 showed an apparent connection between AISA and  
3 DigitalNet?

4 A. He did. There was one particular address that  
5 connected the two.

6 Q. All right. And did that -- did that strike  
7 you as significant as the chief administrative officer?

8 A. It did. It did. You know, one, I had never  
9 heard of AISA Corporation -- Consulting, ever, and  
10 knowing that we were doing business with DigitalNet and  
11 it was connecting those two, it did raise a red flag and  
12 concern.

13 Q. Right. And did you understand also that AISA  
14 was the name associated with Mr. Alrai from the  
15 beginning when he came to United Way?

16 A. I -- at that time, in that conversation, I  
17 wasn't aware of it, but I was aware of it subsequently.

18 Q. Okay. Now, again, without -- without saying  
19 what Mr. Pallaria told you, did you make a decision  
20 about whom to notify?

21 A. I did.

22 Q. Okay. And did you, after that time, treat  
23 Mr. Pallaria's complaint as a whistleblower complaint?

24 A. I'm sorry. Can you repeat that again?

25 Q. Did you, after that time, treat Mr. Pallaria's

1 statement to you as a whistleblower event?

2 A. Oh, I did. I did. I mean, I -- I did.

3 Q. Okay. And who did you notify at the  
4 company -- what can you tell about that?

5 A. First thing I did was I read the whistleblower  
6 document, the policy, and I looked at the document. The  
7 first person I talked to was my supervisor, Mike  
8 Durkin --

9 Q. Okay.

10 A. -- and consulted with him. And then we were  
11 in agreement and to notify the audit committee chair,  
12 Ms. Dorothy Puhly, who also leads as our corporate ethics  
13 officer for the corporation.

14 Q. Okay. And how do you spell Dorothy's last  
15 name?

16 A. P, as in Paul, U, H, as in Harry, Y.

17 Q. Okay. Did you also speak to Azim  
18 Mazagonwalla?

19 A. No, I did not.

20 Q. Did you speak to Pat Latimore?

21 A. I did at the -- at the request of Mike Durkin.  
22 When I notified Mike Durkin, he -- he asked if it would  
23 be okay to bring Pat into the conversation and I said  
24 sure.

25 Q. And did you also bring in Jane Grady?

1           A.     Later on, we did.  Yes, we did.

2           Q.     Okay.  And Jane Grady is the chief HR person?

3           A.     She's chief HR person.  She's also the staff  
4 ethics employee that reports to the ethics officer.

5           Q.     And after that time, did United Way begin to  
6 conduct an internal investigation?

7           A.     We did.

8           Q.     All right.  And in doing that investigation,  
9 did you notify Mr. Alrai that you were doing it?

10          A.     No.

11          Q.     All right.  And did you -- did you limit the  
12 number of people at United Way who knew that it was  
13 going on?

14          A.     Oh, absolutely.  It was a very small group.

15          Q.     Okay.  And why was that?  Why did you keep it  
16 to a small group?

17          A.     One was we wanted to -- you know, we wanted to  
18 understand -- ascertain more information.  As -- you  
19 know, I explained to Mr. Pallaria that this is  
20 information, but, you know, I'm not making any  
21 assumptions on the information until we do the due  
22 diligence.

23                 Secondly, you know, Mr. Alrai's position as  
24 our chief IT officer had access to all of our computer  
25 systems.  So, you know, we were -- I was concerned about

1 making certain we could keep the company's operations  
2 moving on IT. So, you know, we kept it to a very  
3 limited, very discreet number of people.

4 Q. Right. And did you also stop emailing each  
5 other about the subject of the investigation?

6 A. Yes. We stopped using corporate email,  
7 corporate phone systems. Any corporate access that  
8 Mr. Alrai or someone else might have access to, we  
9 stopped using.

10 Q. All right. Now, directing your attention to  
11 April of 2018, did you go on what could be called a  
12 field trip on that day?

13 A. I did --

14 Q. Okay.

15 A. -- early -- early April.

16 Q. Okay. And can you describe what you did?

17 A. Sure. With the knowledge of -- of Mike Durkin  
18 and Pat Latimore, I planned a road trip from my  
19 residence down in southeastern Massachusetts to --  
20 instead of going into work that day was to -- to drive  
21 up to Windham, New Hampshire, and to -- specifically to  
22 do a site visit of AISA Consulting.

23 And I -- I -- I don't know how much detail you  
24 want me to go into, but --

25 Q. So showing you Exhibit 410 for identification,



1 I believe it's the first photo --

2 A. Uh-huh.

3 Q. -- do you recognize that item?

4 A. Yes. Yes.

5 Q. And is that a photograph of AISA?

6 A. That's -- yes, it is. That's the side of the  
7 building, yeah.

8 Q. Okay.

9 A. I had taken my own pictures when I was there  
10 as well.

11 Q. Okay. And what did you -- what did you find  
12 there in Windham, New Hampshire, at the AISA building?

13 A. So when I -- when I arrived there  
14 approximately around 11 o'clock in the morning, what I  
15 noticed that in the -- there was a big sign from the  
16 street level, there was a big sign AISA Corporation on  
17 the front of the building and there was also a sign for  
18 a family dentist that occupied the front of the  
19 building.

20 So I noticed that, I noticed there were cars,  
21 you know, occupying where the dentistry was and it  
22 looked like it was very open for business.

23 And then the side of that entrance where AISA  
24 Consulting was, every single window was -- all the  
25 blinds were drawn, completely drawn. You could not look

1 in. Even the front entrance was drawn. And there was a  
2 sign on the front entrance, you know, if we're not  
3 here -- something to the effect of, you know, like a  
4 website address. You can contact us at this site.

5 There was also on the side of the entrance,  
6 you know, basically a security, be aware, you know, it  
7 didn't -- was not inviting.

8 There was no cars. I couldn't find any car  
9 with a DigitalNet -- you know, if he had like a company  
10 van or something like that. I couldn't find anything.  
11 No vehicles with DigitalNet. It didn't look like they  
12 were open.

13 Q. Of course, this isn't DigitalNet; this is  
14 AISA?

15 A. AISA. I'm sorry, AISA. Yeah. There was  
16 nothing -- there was nothing there for AISA. I couldn't  
17 find anything. I also --

18 Q. All right. Showing you the second photo in  
19 410, can you zoom in on the sign there? Is that the  
20 door at the same building?

21 A. Yes. Yes, that is it.

22 Q. And it does at least have a sign up saying  
23 AISA Consulting Group?

24 A. Oh, yeah. It has a sign, AISA Consulting,  
25 inside the door, too.

1 Q. Okay. All right. So what did you do after  
2 visiting the AISA building?

3 A. So I also looked at the marquee. There's an  
4 entrance to the -- there's a marquee there. What I was  
5 also trying to find out -- because there was the linkage  
6 of the DigitalNet corporate address to this same  
7 location -- I was hoping to find a DigitalNet address on  
8 the marquee.

9 Q. Right.

10 A. And when I didn't see that, I only saw AISA,  
11 that raised a question as to just understanding why it  
12 wasn't there.

13 Q. All right.

14 A. So then I got in the car and I drove to -- I'd  
15 never been to DigitalNet's corporate office in Andover,  
16 so I -- I got in the car, I drove down to Andover, and I  
17 got to the -- to the -- to the corporate office complex.  
18 There's three -- there's a 100, a 200 and a 300, big  
19 buildings.

20 Q. Okay. Pretty large building there?

21 A. Oh, yeah, huge buildings.

22 Q. All right.

23 A. Big marquees out front on the 100, the 200,  
24 and the 300. And I started off, I believe, at the 100,  
25 couldn't find anything with DigitalNet. I went to the

1 200, couldn't find anything. So then I asked somebody,  
2 I said, I'm looking for DigitalNet's offices. And --

3 Q. Okay. Don't say what they said.

4 A. Yeah, but I couldn't find -- so -- so I went  
5 to the third building. And I was perplexed because I  
6 just couldn't find it.

7 So then I went back to the documents I had and  
8 I said, well, it says this address, suite such and such.  
9 So when I looked in the -- on the marquee, there was  
10 a -- a marquee for that location is a Regus -- R as in  
11 Richard, e-u -- e-g-u-s. And I wasn't familiar with  
12 them. You know, I figured out later it was like a  
13 WeWorks, but at that time I didn't know what it was.

14 So I got in the elevator, went to the second  
15 floor. And as soon as you walk off the elevator, that  
16 suite is right there and there's a marquee to the side  
17 of it with a listing of about, oh, approximately 20  
18 companies in that suite. And I looked through there  
19 and -- and I knew I had the right address, but I didn't  
20 see anything for DigitalNet. So I went to the front  
21 attendant. I asked the front attendant --

22 Q. And don't say what she said to you.

23 A. Yeah, but I was asking the front attendant,  
24 just to find out if DigitalNet was there.

25 Q. Okay. So showing you some footage at the back

1 of Exhibit 410, just to see if you -- you actually took  
2 some pictures that day, right?

3 So all the way to the ones that are sort of  
4 darker, in the middle of these -- okay, so here. Sorry,  
5 one back.

6 Do you recognize that photo in 410, which is  
7 the darker photo that shows a multistory building?

8 A. Yes. Yeah, that's the Andover -- that's the  
9 location I was at.

10 Q. And did you take that picture?

11 A. I took pictures.

12 Q. Yeah.

13 A. I -- I can't tell you if I took that exact  
14 picture or not --

15 Q. Okay.

16 A. -- but I know I took quite a few pictures of  
17 the location there.

18 Q. All right. Do you recognize that scene?

19 A. Oh, yeah. I remember -- I recognize that.

20 Q. And is that 301 Brickstone Place, Andover,  
21 Mass.?

22 A. I believe it is with that front entrance. I  
23 mean, there were three buildings that looked sort of  
24 similar. So without looking at the whole complex, but I  
25 believe that's 301.

1 Q. And did you also take some pictures of signs  
2 and marquees?

3 A. I did.

4 Q. All right. Let's go to the next photo. That  
5 shows 300?

6 A. Yes.

7 MR. DAVIS: And can we go back?

8 Q. So -- and that lists a number of companies?

9 A. Yes, it does.

10 Q. But does it have DigitalNet on that list?

11 A. No.

12 MR. DAVIS: Okay. And next photo, please.

13 Q. This begins -- this shows Regus; is that  
14 right?

15 A. This is -- this is right in front of the -- as  
16 soon as you walk off the elevator, this is the -- I call  
17 the marquee, the listing of the companies within that  
18 suite.

19 Q. So that, what we're looking at now that starts  
20 with Regus, is actually inside the building?

21 A. Inside the Regus suite, yes.

22 Q. And any sign of DigitalNet there?

23 A. No.

24 Q. All right. And next photo, another Regus one?

25 A. Yes.

1           Q.    Is that more businesses associated with the  
2 Regus office?

3           A.    Yes, those are more -- more entities within  
4 the Regus 201 suite.

5           Q.    All right. And, again, no DigitalNet,  
6 correct?

7           A.    No DigitalNet.

8                   MR. DAVIS: And is that the last photo?  
9 Okay.

10          Q.    All right. In if all the years you'd been  
11 dealing with DigitalNet, did United Way ever have an  
12 address for DigitalNet Technology different from  
13 Brickstone Place, Andover, Mass.?

14          A.    Not that I'm aware of. All the invoices, the  
15 correspondence, reference this address.

16          Q.    Okay. So you said there were -- you were  
17 having no communications with Imran Alrai about this  
18 particular matter, correct?

19          A.    Correct.

20          Q.    Were you also trying to -- to take control or  
21 to potentially be able to control, take control, of your  
22 IT systems?

23          A.    If we needed to go down that path, absolutely.

24          Q.    All right. And what were you doing to prepare  
25 for that?

1           A.     We were -- we hired counsel, we hired a --  
2     counsel hired an investigator. And then we also, with  
3     the small committee that we were working with, hired --  
4     went through a small search to bring in another IT firm  
5     that could assist us with, you know, taking control of  
6     the system and safeguarding the system.

7           Q.     Very good. And was the -- what firms did you  
8     hire for your technical assistance?

9           A.     We hired a company called TBS, Technical  
10    Business Solutions. They're a company out of  
11    New Jersey.

12          Q.     Okay. And did they have, as one of their main  
13    people, a guy named John Meyer?

14          A.     Yes.

15          Q.     And is John Meyer today United Way's IT head?

16          A.     He is. He's -- he's hired as an -- we call as  
17    an external CIO providing support to the United Way.

18          Q.     Okay. And did you also hire a company called  
19    CBIZ?

20          A.     We did. CBIZ is a -- we hired -- CBIZ is  
21    already our accountants --

22          Q.     Okay.

23          A.     -- for our annual audit, but we did some  
24    additional engagement with CBIZ as well.

25          Q.     Okay.



1           A.     IT-related.

2           MR. DAVIS:   So just for record-keeping, your  
3   Honor, I will move to admit 410 for ID.   Now, it does  
4   have --

5           THE COURT:   410?

6           MR. DAVIS:   It does have photos in the -- 410,  
7   your Honor.

8           It does have photos in the middle that have  
9   are of the Windham home office and this witness did not  
10   see that, so I've not shown them.   A later witness will  
11   testify, but if counsel doesn't object, I'll move to  
12   admit.

13          MR. HARRINGTON:   There's no objection to the  
14   entire exhibit, your Honor.

15          MR. DAVIS:   Very good.   Thank you.

16          THE COURT:   Admitted.

17          (Government's Exhibit 410 admitted.)

18          Q.     So we're talking about CBIZ and as of May of  
19   2018, was there a plan to do what was called a risk  
20   assessment IT audit?

21          A.     Yes.   Yes.

22          Q.     Okay.

23          A.     The audit committee had made the  
24   recommendation in April and we engaged with CBIZ,  
25   specifically Ray Gandy at CBIZ, to engage in a risk

1 assessment.

2 Q. Okay. And this is Ray Gandy, G-a-n-d-y?

3 A. Correct.

4 Q. He was their chief on this?

5 A. He was.

6 Q. Okay. And what is -- as you understood it, it  
7 was a risk assessment IT audit and what was the reason  
8 for doing it at this time?

9 A. The risk assessment was to use the best  
10 protocols in IT. There's a national standard of 20 --  
11 20 control mechanisms that CBIZ would come in and do an  
12 initial assessment. We hadn't had one completed in a  
13 while and to come in and work with -- a cross-functional  
14 group of employees at United Way, engage and learn more  
15 about United Way's IT infrastructure, and to understand  
16 where our controls were and where maybe some of our  
17 weaknesses were and what we could do better.

18 Q. And, again, you're undertaking this without  
19 notifying anyone else about the internal investigation  
20 you're doing after the whistleblower complaint, correct?

21 A. Correct.

22 Q. All right. Now, was there a meeting where  
23 staff, including Mr. Alrai, was given notice of the CBIZ  
24 risk assessment about to happen?

25 A. Yes. I mean, there was an email sent, I

1 believe I had sent out the email, inviting them to a  
2 meeting that we would be having with Ray Gandy and I  
3 believe his associate, Michele White.

4 Q. Okay.

5 A. And that we would be embarking on this body of  
6 work, the audit committee had made the recommendation,  
7 and that there were -- we were going to be scheduling a  
8 meeting sometime in May and, you know, we were asking  
9 them to participate in that conversation. It was a  
10 cross-functional group.

11 Q. Okay. And when was the meeting,  
12 approximately?

13 A. It was -- I want to say it was sometime in  
14 early May -- early, mid May.

15 Q. Okay. And do you recall the meeting?

16 A. I do.

17 Q. And do you remember who you sat by?

18 A. I sat at the very corner of the desk, at the  
19 end, facing Ray and Michele. And I believe Imran Alrai  
20 sat right -- he sat right next to me on the corner.

21 Q. Okay. And what was his reaction as far as you  
22 could tell to the idea of a CBIZ risk assessment being  
23 done on the IT system once he was given notice of that?

24 A. Well, his initial reaction prior to the  
25 meeting was he was surprised that we were having the

1 meeting, he was surprised that he wasn't given more  
2 advanced notice, and it was explained to him and  
3 everyone else that this is what the audit committee had  
4 wanted. And I chair the staff -- chair the audit  
5 committee, so I was taking direction from the audit  
6 chair; this is the work they want completed, we haven't  
7 done this in a while.

8 Q. Okay.

9 A. So that was a surprise there.

10 Q. And then at the meeting, what did you observe  
11 about Mr. Alrai?

12 A. He sat there with a -- like a diary that, you  
13 know, he would bring to meetings. You know, that was  
14 standard protocol. But he sat there -- in my opinion,  
15 he sat there looking down, very disengaged from the  
16 conversation, looking down, making notes like under --  
17 like under the table, sort of not -- you know, and I  
18 would look over and -- and he would just -- no eye  
19 contact with Ray or with Michele unless he was asked a  
20 specific question, which he'd give a short answer and  
21 then return back to his, you know, just not engaging.

22 Q. So Mr. Alrai did respond to questions, though,  
23 that Ray Gandy asked?

24 A. Oh, he did. Yeah, very professional.

25 Q. And among the questions asked, was he asked

1 about where the servers were for the DigitalNet -- for  
2 the United Way IT system?

3 A. Yes.

4 Q. And what did Mr. Alrai say?

5 A. I believe he mentioned for the cloud servers  
6 that the servers were located in Virginia and there was  
7 a backup somewhere on the west coast. I don't recall  
8 exactly where.

9 Q. Okay. All right. So what happened two days  
10 after that meeting? Did Mr. Alrai make an announcement?

11 A. He did.

12 Q. All right. What happened?

13 A. He made an announcement via email that he was  
14 going to -- or DigitalNet was going to be having to do  
15 some server work over the weekend and there could be  
16 interruptions during that weekend to do that kind of  
17 work. And we got a two-day notice for that.

18 Q. Okay. And was it server work or was that --  
19 was it actually moving cloud servers to another  
20 provider, do you recall?

21 A. I believe it was moving cloud service to  
22 another provider.

23 Q. Okay. And had Mr. Alrai said anything at the  
24 team meeting with Ray Gandy two days earlier about a  
25 need to move data to a different provider in the cloud?

1           A.     None.   First notice I got of it was via an  
2     email.

3           Q.     And that was going to be happening in the  
4     upcoming weekend?

5           A.     That was -- that was midweek and I believe it  
6     was going to happen that weekend.

7           Q.     All right.   And what was United Way doing at  
8     that time that -- where was United Way in its cycle in  
9     mid May of 2018?

10          A.     Extremely busy time for United Way.   Our  
11     fiscal year ends on June 30th.   We are -- a ton of  
12     fund-raising activity ongoing, trying to follow up with  
13     donor gifts and recording them, various committee  
14     meetings, every single committee -- and I'm talking like  
15     several committees.   We've got people working weekends  
16     trying to get ready for the committees.   Everything from  
17     audit finance, campaign committee, community investment  
18     committees.   We're trying to wrap up the course of  
19     business going into the board meeting in mid-June.   So  
20     it's a really busy time for us at United Way.

21          Q.     So what effect did -- did it -- with short  
22     notice a moving of all the data have on United Way as  
23     you saw it in May of 2018?

24          A.     I had people come to me who just didn't  
25     understand why we got the short notice; that why wasn't

1 this planned, you know, with a lot more lead time so  
2 that we would have worked around it. And it put a hurt  
3 on individuals to be able to juggle the work they had to  
4 get accomplished or things they might be doing, you  
5 know, over the weekend to try to get things done.

6 Q. Okay. Now -- and do you recall accessing your  
7 own computer that weekend at United Way?

8 A. I accessed my computer remotely, which we have  
9 access to through the VMware, a VDI session from my  
10 residence in -- from my residence.

11 Q. And did that work? How do that work?

12 A. It initially worked and then I got bumped off.  
13 I -- all of a sudden it just went -- nothing. Nothing  
14 was working.

15 Q. All right.

16 A. Because and the reason I was on it I was being  
17 told that I had to have access to get back onto the  
18 system. I had critical work I needed to get completed  
19 that weekend.

20 Q. Okay. Did -- did Mr. Alrai ever explain to  
21 you why that particular move that particular weekend  
22 needed to happen?

23 A. The explanation I can recall is that there was  
24 something going on with the cloud provider at OVH and it  
25 was something that was unanticipated, just had to

1     happen.

2           Q.     Okay.  Now, in late May, was Mr. Alrai asked  
3     to meet directly with Ray Gandy about IT matters?

4           A.     Yes.

5           Q.     And did Ray Gandy, as part of this IT risk  
6     assessment specifically, want to interview Mr. Alrai?

7           A.     He did.

8           Q.     Okay.  And what happened about that?

9           A.     Initially Ray was -- we wanted the two of them  
10    to meet instead of having the full group to meet because  
11    there was a lot of detail that the two of them could  
12    just disseminate.  It would be much more efficient and  
13    effective.

14                So I stewarded the contact between the two of  
15    them to try to schedule that and Ray made two or three  
16    attempts to try to get that thing scheduled with -- that  
17    meeting schedule with Imran.  And it wasn't going well  
18    to try to get that scheduled.

19           Q.     Okay.  Was it originally scheduled for  
20    May 29th, 2018?

21           A.     I believe so.

22           Q.     And was that canceled because Mr. Alrai could  
23    not make it?

24           A.     Yes.

25           Q.     And then rescheduled for June 7th?



1 A. Yes.

2 Q. And as far as you know, did Ray Gandy meet  
3 with Mr. Alrai June 7th?

4 A. Eventually they met. I'm assuming it was  
5 June 7th, but, yes, they did meet.

6 Q. Okay. Now, by June 12th of 2018, were you  
7 ready to confront Mr. Alrai, essentially?

8 A. We were.

9 Q. And did you have a plan on how to get him in  
10 the office, that is, so -- where you could actually talk  
11 to him face to face?

12 A. We did.

13 Q. All right. What happened? What was the plan?

14 A. So the plan was we had not paid -- because we  
15 were paying DigitalNet in advance their monthly invoice  
16 and we had not paid the invoice we had received in May  
17 for the month of June. There was one major invoice and  
18 I think there was a secondary invoice, but we hadn't  
19 paid it.

20 Q. And what --

21 A. I particularly held up those payments.

22 Q. How much money was that that DigitalNet was  
23 invoicing you for?

24 A. I believe roughly a hundred, \$110,000, the two  
25 combined invoices.

1 Q. Okay. And so what did you do?

2 A. I -- I requested with Pat Latimore and with  
3 Imran to let's have a meeting in person and I wanted to  
4 meet in the -- in the office --

5 Q. Okay.

6 A. -- to discuss it.

7 Q. And did you identify that you wanted  
8 specifically to talk about the invoice before paying it?

9 A. Absolutely. We were at the -- we were at  
10 year-end, so I was concerned that the -- we were going  
11 over in excess of the IT budget and I wanted to  
12 understand more about the whys from both Imran and Pat  
13 before I was going to have finance approve payment.

14 Q. Okay. And so on June 12th, were you scheduled  
15 to meet with Mr. Alrai to discuss that invoice?

16 A. Yes.

17 Q. All right. And what happened on June 12th,  
18 from your perspective?

19 A. On June 12th?

20 Q. Yes.

21 A. We met midmorning. Mr. -- Imran was up -- his  
22 office was on the third floor. He came down to the  
23 second floor where Pat Latimore and myself, our office  
24 is in that area, and the three of us were connected and  
25 I requested that we, you know, walk into a senior team

1 office to discuss the invoices.

2 Q. Okay. And did you actually have that meeting  
3 or did you take him to a different meeting?

4 A. I took him to a different meeting.

5 Q. Okay. And what was that meeting?

6 A. That meeting was to meet with our attorney and  
7 also our investigator from CBIZ to sit down and have a  
8 conversation where the two of them would have a  
9 conversation with Imran.

10 Q. Okay. And so that happened at United Way on  
11 June 12th?

12 A. It happened at United Way on June 12th.

13 Q. Okay. And at the end of that conversation,  
14 was -- what happened formally with Mr. Alrai's  
15 employment at United Way?

16 A. After that meeting happened, he was -- he  
17 was excused to leave. He was still employed with the  
18 organization and he was, you know, he -- he was led --  
19 he was led out. You know, it was part of a group of  
20 individuals that led him out off the premises.

21 Q. Okay. And what was his status at that point  
22 in terms of termination or a suspension?

23 A. He was still employed.

24 Q. Okay.

25 A. He was -- he was not -- I don't believe he was

1       suspended. I don't believe he was terminated as of  
2       June 12th at that point in time.

3             Q.     Okay. So did that status change after that?

4             A.     It did. I think -- I believe it changed  
5       within two to three days.

6             Q.     All right. And how did it change?

7             A.     It changed to he was terminated and I  
8       believe that was done by HR -- HR did the official  
9       communications via email or via, you know, written  
10      correspondence.

11            Q.     Okay. And did you actually walk him out on  
12      June 12th? Were you among the people that did?

13            A.     I was among the three or four individuals that  
14      walked him out.

15            Q.     And do you remember any interaction with  
16      Mr. Alrai that day?

17            A.     I did. It was very minimal. We were in the  
18      elevator. You know, he did not make eye contact with  
19      me. And he made a glance and I had a -- I was -- I had  
20      possession of his backpack. I was told to hold his  
21      backpack. And he made a movement to -- to grab the --  
22      take possession of the backpack and I made a comment  
23      that -- I said, look, I'm not allowed to give you this  
24      backpack until we're off the premises.

25            Q.     Okay. So did you go to the door and --

1           A.     Yeah. We walked out the turnstiles of the --  
2     of the door and at that point in time I handed him his  
3     backpack and the only comment I gave him was I said, you  
4     know, have a nice day.

5           Q.     And since that time until this trial, have you  
6     ever seen him?

7           A.     No, this is -- yesterday was the first time  
8     I've seen him since that day.

9           Q.     Okay. Now, soon after the -- soon after  
10    June 12th, did you receive a letter at United Way from  
11    Mr. Alrai's or, rather, from DigitalNet's attorneys?

12          A.     We did.

13          Q.     All right. And showing you Government  
14    Exhibit 404, do you recognize that letter?

15          A.     I do.

16          Q.     And is that the letter your company received  
17    from attorneys representing DigitalNet on -- what's the  
18    date of it?

19          A.     June 26th, 2018.

20                 MR. DAVIS: Okay. Your Honor, I'd move to  
21    admit Exhibit 404.

22                 MR. HARRINGTON: No objection.

23                 (Government's Exhibit 404 admitted.)

24                 MR. DAVIS: And just to -- could we go to the  
25    middle paragraph there?

1           Q.    Is among the things being discussed in the  
2   letter from Mr. Alrai's attorneys the telephone service  
3   at United Way?

4           A.    Yes.

5           Q.    And can you read the paragraph that begins  
6   "indeed"?

7           A.    "Indeed, before terminating its relationship  
8   with DigitalNet, United Way received information  
9   technology and unified communication/telephone services  
10   for which it has not paid. Invoices for these services  
11   were provided to United Way in line with the company's  
12   protocol and should be paid immediately upon receipt of  
13   this letter via bank check."

14          Q.    All right. And let's -- I won't read all of  
15   the letter. Let's go to the last paragraph of the same  
16   letter, which I think is on the third page.

17                All right. Yeah, there, third page.

18                Can we blow up that paragraph?

19                And can you read that last paragraph?

20          A.    "To be clear, DigitalNet is ready, willing,  
21   and able to help United Way transition its services to  
22   another third-party information technology provider, but  
23   it cannot proceed with doing so without payment for all  
24   services provided and payment for the transitional  
25   services it supplied thereafter.

1           "Absent United Way's agreement to the  
2     foregoing by the close of business Friday, July 6th,  
3     2018, DigitalNet will presume United Way does not want  
4     DigitalNet's transition services and, thus, will  
5     terminate United Way's permission to use UCS and its  
6     proprietary applications. Should you or your client  
7     wish to further discuss the subject matter of this  
8     letter, please direct all future communications and  
9     correspondence to my attention."

10          Q.     So UCS is the telephone system, right?

11          A.     Yes.

12          Q.     Right. So that's referring to United Way's  
13     telephone service, right?

14          A.     Correct.

15          Q.     What would the effect have been in late June  
16     of 2018 to your using or -- losing your telephone  
17     service abruptly?

18          A.     It would cripple the organization to be able  
19     to communicate with customers. The month of June is an  
20     extremely busy time for us following up with outstanding  
21     pledge obligations from customers that gave the prior  
22     year and we're trying to chase down their -- their  
23     pledges for the current year.

24          Q.     Okay.

25          A.     It would be -- it would put a lot -- put a lot

1 of burden on the organization. We would be required to  
2 use cell phones, but incoming calls from constituents,  
3 they would get a -- they wouldn't be able to get through  
4 to the organization.

5 Q. All right.

6 A. It would be a big problem.

7 Q. So what did United Way -- briefly, what did  
8 United Way do about this communication from DigitalNet's  
9 attorneys?

10 A. We -- we, you know, we took advice from our  
11 own counsel and --

12 Q. I'm not asking about that advice. But what  
13 did you do about the telephones?

14 A. The telephone system, we -- we worked with  
15 TBS, who was on-site, and we contacted SIP.US.

16 Q. That's S-I-P.US?

17 A. Yes, S-I-P.US, who was the actual provider or  
18 reseller of the -- of the actual phone lines.

19 Q. Okay.

20 A. And we tried to work with them to plead our  
21 case that those lines that were in the name of  
22 DigitalNet, the ultimate customer was United Way of  
23 Merrimack Valley -- Massachusetts Bay, Merrimack Valley,  
24 and that it was important that those lines not be turned  
25 off and shut off.



1           Q.     Right. And so did SIP readily agree to  
2 continue to provide telephone service to United Way?

3           A.     I don't know if it was readily agreed upon,  
4 but with some help with TBS, we were able to secure that  
5 and work through that.

6           Q.     Okay. And so did you end up paying DigitalNet  
7 the money they were looking for on -- by July 7th or  
8 whatever it was of 2018?

9           A.     No.

10          Q.     You didn't make that payment?

11          A.     We didn't make that payment.

12          Q.     And did you have any problem with your  
13 telephones?

14          A.     No.

15          Q.     Why not?

16          A.     Because we had the -- because of the work that  
17 TBS, the -- the ability of them while working on our  
18 behalf to secure the lines with SIP, we were able to  
19 transfer the phone over to the name of United Way  
20 Massachusetts Bay.

21          Q.     Right. And after that you just dealt directly  
22 with SIP, right?

23          A.     We did.

24          Q.     No DigitalNet in the middle?

25          A.     No DigitalNet in the middle.

1 Q. Okay. Now, in August of 2018, do you recall  
2 having an outage on the computer system?

3 A. Yes.

4 Q. All right. And did you have -- did you  
5 have -- was it easy to figure out your computer systems  
6 and take control of everything? Was that an easy  
7 process?

8 A. No.

9 Q. Why not?

10 A. Why not? Because a lot of our systems are not  
11 documented and the information was not readily available  
12 to figure out, you know, what the protocol would be and  
13 where we would go. Eventually we ended up finding out  
14 the outage was with OVH, the cloud provider.

15 Q. Okay. So that was the current cloud provider  
16 that DigitalNet had --

17 A. Yes.

18 Q. -- apparently made arrangements with?

19 A. Yes.

20 Q. Okay. Showing you Government Exhibit 655, did  
21 you draft an email to the staff about that?

22 And it's on the second page. Do you see a  
23 draft email from you about that outage?

24 A. I'm familiar with this, yes.

25 MR. DAVIS: All right. Your Honor, I'd move

1 to admit 655 and strike the ID.

2 MR. HARRINGTON: No objection, Judge.

3 THE COURT: Admitted.

4 (Government's Exhibit 655 admitted.)

5 Q. And could you just read those two paragraphs,  
6 briefly.

7 A. Sure.

8 "Dear United Way Mass Bay staff: You have  
9 been receiving updates from John Meyer. He and his team  
10 have been working around the clock on communications  
11 with our cloud vendor, VMware, on the outage issue. It  
12 is unfortunate that VMware does not" --

13 THE COURT: Please slow down a little bit.

14 THE WITNESS: Sorry.

15 THE COURT: No problem.

16 THE WITNESS: "It is unfortunate that VMware  
17 does not have a redundancy cloud environment that could  
18 have avoided this service interruption. You have our  
19 commitment that this will be reviewed and discussed in  
20 the near future. We cannot have this situation  
21 repeated.

22 "We might be without cloud computing for the  
23 entire day today, so with that in mind, if you have the  
24 capability of working from home with access to a  
25 computer, I would suggest you work from home. If you do

1 not have that capability, but have the ability to work  
2 on other projects that do not require a computer, then  
3 attend to those items today in the office.

4 "Rich."

5 Q. So, Mr. Voccio, you used a phrase "redundancy  
6 cloud environment." And what do you mean by that  
7 phrase?

8 MR. HARRINGTON: I'm just going to object at  
9 this point, Judge. I don't know if this witness has  
10 particular personal knowledge about the IT system or if  
11 this is really the matter of Mr. Meyer, who, as I  
12 understand it, was the person who dealt with all this.

13 I'm just concerned that this information is  
14 all coming from other people. So I'm just not sure of  
15 the basis of this witness's knowledge.

16 MR. DAVIS: I'll withdraw it, your Honor.

17 THE COURT: Lay a foundation.

18 MR. DAVIS: Sorry. I'll withdraw it and move  
19 on.

20 THE COURT: Okay.

21 Q. Now, as part -- you've testified before that  
22 you gathered relevant emails about the relationship with  
23 Digital and Imran Alrai as part of the internal  
24 investigation in 2018?

25 A. Correct.

1 Q. And among the things, did you compile -- did  
2 you compile a number of emails from a person named  
3 Mohammad?

4 A. Yes.

5 Q. And was that at an address called  
6 info@digitalnet.com?

7 A. Yes.

8 Q. And were they typically sent to Mr. Imran  
9 Alrai at his United Way domain email account?

10 A. They were.

11 Q. All right. Showing you Exhibit 600,  
12 Government Exhibit Number 600, looking at the first  
13 email, is that an example of one of these emails from  
14 Mohammad?

15 A. Yes. That's being sent to Mr. Alrai and then  
16 Mr. Alrai's forwarding it to another colleague in the IT  
17 department.

18 Q. And I said info@digitalnet.com. It's actually  
19 info@digitalnet.us, correct?

20 A. Correct.

21 MR. DAVIS: All right. Your Honor, I'd move  
22 to admit 600 and strike the ID.

23 MR. HARRINGTON: No objection, your Honor.

24 THE COURT: Admitted.

25 (Government's Exhibit 600 admitted.)

1           Q.     All right. And so let's just -- let's take  
2 one random one, say a few years in. Let's just go to  
3 2014 or 2015.

4           THE COURT: Let me just ask, are we in a  
5 situation where you didn't go over these exhibits and  
6 premark them as full or you were just basically -- he  
7 was basically standing on objections until you laid a  
8 foundation? I mean, why are we doing this is what I'm  
9 asking.

10          MR. DAVIS: So we premarked it and, your  
11 Honor, we have been talking about agreement and  
12 Mr. Harrington told us this morning that probably with  
13 one more evening and time with his client we can -- we  
14 can make an agreement.

15          THE COURT: Sure.

16          MR. DAVIS: We are -- we are -- we're not  
17 going to object to striking the ID on any defense  
18 exhibit that's been premarked and shown to us, so we --

19          THE COURT: Those are all -- so all defense  
20 exhibits that have been premarked are full exhibits,  
21 Charli.

22          THE CLERK: Thank you, Judge.

23          THE COURT: All right. They're all admitted.  
24 And I appreciate the effort. Thank you. You  
25 can continue. Thanks for filling me in.

1 MR. DAVIS: And does this have an attachment  
2 with a DigitalNet invoice?

3 MS. SHEFF: Yes.

4 MR. DAVIS: All right. So let's go to the  
5 email prior to that. Can you zoom in on the email so we  
6 can read it?

7 Q. This is, again, Exhibit 600. And this is an  
8 email sent in January '14, correct?

9 A. Correct.

10 Q. All right. And it's from DigitalNet support  
11 at info@digitalnet.us, right?

12 A. Correct.

13 Q. And it's sent to Imran Alrai on the United Way  
14 email account, right?

15 A. Yes.

16 Q. And then it says, invoices for February 2014?

17 A. Yes.

18 Q. And can you read the message there?

19 A. The message: Hello Imran, PFA invoices for  
20 February 2014 that are requested via ACH by end of  
21 January. Thanks and regards, Mohammad.

22 Q. And do you know what PFA means? Might it be  
23 please find attached?

24 A. Could be --

25 Q. Okay.

1 A. -- yeah.

2 Q. So -- and let's go to the attachments then.

3 What is attached to this email that Mohammad  
4 has sent to Mr. Alrai?

5 A. This is the -- the monthly invoice --

6 Q. All right.

7 A. -- for this particular month.

8 Q. And is this a typical invoice in the form that  
9 United Way received over the years?

10 A. It is.

11 Q. Okay. And can we look at the -- the actual  
12 description part in the middle of the invoice?

13 A. Okay. You want me to read it?

14 Q. Yes, just what are some of the line items on  
15 it.

16 A. I'll just read from top to bottom:  
17 Infrastructure as a service and hosting for \$14,300.

18 Q. All right.

19 A. On-site IT support, \$12,500; after-hours IT  
20 support and systems monitoring, \$3,500; data management  
21 and high-availability backup storage up to 10 terabyte,  
22 \$7,500; virtual desktops as a service with Microsoft  
23 Office Suite 2013, \$15,000; applications, database, and  
24 O/S management, \$3,500.

25 Q. Okay. You don't have to read the mileage and



1 parking reimbursement --

2 A. Yup.

3 Q. -- but what's the total amount there at the  
4 bottom of that invoice?

5 A. \$56,542 and no cents.

6 Q. Okay. And is there another invoice attached  
7 to that same email from Mohammad?

8 A. Yes.

9 Q. And so that's the next item in Exhibit 600.  
10 What's the date on that invoice again?

11 A. The date of the invoice is January 15th, 2014.

12 Q. And for what month is it?

13 A. It's for the following month. It's for  
14 February 2014.

15 Q. So you're getting invoiced in early January  
16 for services for February, right?

17 A. Correct, in advance.

18 Q. And what are the items on the description  
19 there?

20 A. These items -- these are phone office services  
21 for our various locations; the Lowell office, Seacoast  
22 up in Portsmouth --

23 Q. All right.

24 A. -- New Hampshire, Boston.

25 Q. All right. So this is a phone service bill

1 that DigitalNet's sending you, right?

2 A. Correct. It's a per unit cost --

3 Q. All right.

4 A. -- that we're paying.

5 Q. All right. And how much is that total?

6 A. That's \$13,638.75.

7 MR. DAVIS: Okay. So let's go to an invoice,  
8 say, at the end of 2017, just one more that has some --  
9 an email and invoices attached to it. If you could just  
10 click ahead in the compilation.

11 Q. Mohammad did not send just invoices, though;  
12 he also sent -- would also send, say, drafts of  
13 contracts with revisions on them. Were you familiar  
14 with that?

15 A. That was probably before -- the contracts were  
16 before my time --

17 Q. Right.

18 A. -- but I'm reading the email that illustrates  
19 that.

20 MR. DAVIS: Yup. Okay. So have -- where are  
21 we?

22 MS. SHEFF: I'm trying to find 2017.

23 MR. DAVIS: All right. Well, let's move on.

24 Q. But is it fair to say that the invoices that  
25 were received from United Way came in this way, by

1 email, attached to an email from Mohammad to Mr. Alrai?

2 A. Yes.

3 Q. Okay. Now, let me show you some particular  
4 ones that pertain to the actual wire fraud counts.

5 Showing you first -- and these are just  
6 examples of the same thing we've just seen -- showing  
7 you Government Exhibit 101.

8 Is that an email from Mr. -- from DigitalNet  
9 support to Imran Alrai dated May 11th of 2015?

10 A. It is.

11 MR. DAVIS: Your Honor, I move to admit  
12 Exhibit 101 and strike the ID.

13 MR. HARRINGTON: No objection, Judge.

14 THE COURT: Okay.

15 (Government's Exhibit 101 admitted.)

16 MR. DAVIS: And let's go to 102. I don't want  
17 to go through every one of them.

18 Q. The next one is Exhibit 102. And is that an  
19 email in June of 2015 from info@digitalnet to Mr. Alrai  
20 with an invoice for Andar and eContract: Please find  
21 attached the invoice.

22 A. It is. It references an invoice number.

23 MR. DAVIS: Your Honor, I move to admit 102  
24 and strike the ID.

25 MR. HARRINGTON: No objection, Judge.

1 MR. DAVIS: And, similarly, were --

2 THE COURT: Admitted.

3 (Government's Exhibit 102 admitted.)

4 MR. DAVIS: -- I move to strike the ID of 103,  
5 104, 105, 106, 107, 108, 109 --

6 Do you need to see them, Tim? Sorry. I'm  
7 intending to strike the ID of 103 through 117.

8 THE COURT: Corresponding Counts 1 through 17?

9 MR. DAVIS: Correct, which are all emails from  
10 Mohammad to Mr. Alrai.

11 MR. HARRINGTON: No objection, your Honor.

12 THE COURT: Admitted.

13 (Government's Exhibits 103 through 117 admitted.)

14 MR. DAVIS: So 113 to -- I'm sorry. 103  
15 through 117 are admitted. Thank you.

16 Q. All right. So let's go to Exhibit 118. This  
17 is a little different. Did United Way also receive an  
18 email from a Mac Chaudhary that contained information  
19 regarding inquiries that were being made in July of  
20 2016?

21 A. Yes.

22 Q. All right. And did that particular email go  
23 to Jack Rotondi?

24 A. Yes, it did.

25 Q. And who is Jack Rotondi?

1           A.     Jack -- at that time, Jack Rotondi was the VP  
2     of organizational operations within the administration  
3     and finance division.

4           Q.     Okay. And at that time were members of United  
5     Way's staff seeking additional information about  
6     DigitalNet because of the ongoing contracts with  
7     DigitalNet?

8           A.     Correct.

9           MR. DAVIS: Your Honor, I move to admit  
10    Exhibit 118 and strike the ID.

11          MR. HARRINGTON: No objection, your Honor.

12          MR. DAVIS: All right.

13          THE COURT: Admitted.

14          (Government's Exhibit 118 admitted.)

15          Q.     Let's just -- let's for now just look at the  
16    attachments to that exhibit.

17                 So the attachment shows -- can you just focus  
18    in on the top of the page and can you read what that  
19    says at the top?

20          A.     The paragraph is: DigitalNet offers  
21    state-of-the-art information technology services with  
22    exceptional value to our ever-growing global client  
23    base. Our clients come from various market verticals  
24    including academia, not-for-profit, mercantile,  
25    technology, entertainment, manufacturing, distribution,

1 e-commerce, fashion, and healthcare.

2 Q. Okay. And, again, this is coming in an email  
3 from Mac Chaudhary?

4 A. Yes.

5 Q. Okay. And let's go to the second page of the  
6 attachment. And look at the -- first at the top, the  
7 Facts at a Glance part. What does that say about  
8 DigitalNet?

9 A. It's got some statistics, 17,000 users  
10 managed; 20,000-plus network and wireless devices  
11 managed; 15,000-plus virtual machines managed; hundreds  
12 of millions of direct third-party emails per year, five  
13 PB data managed and backed up; 650-plus digital  
14 e-commerce, web, and mobile app solutions delivered;  
15 105-plus global clients served.

16 Q. And did that same document -- let's look at  
17 the second part of it -- did it have a sample list of  
18 clients?

19 A. It does, and it has it by various industries.

20 Q. All right. And, to your knowledge, did United  
21 Way ever actually try to figure out if any of those  
22 companies actually exist or if any of them had ever  
23 actually been provided services by DigitalNet?

24 MR. HARRINGTON: Objection, Judge. If he has  
25 personal knowledge, but -- otherwise, I would object.

1           MR. DAVIS: I'm just asking about his  
2 knowledge.

3           A. My knowledge, no.

4           Q. Okay. All right. But how many -- how many  
5 customers are on that list of the sample customers?

6           A. One, two, three, four, five, six, seven,  
7 eight, nine, 10, 11. Right? Eleven.

8           Q. Very good. Okay. Did United Way, by the way,  
9 ever hire DigitalNet to make computer games or to do  
10 game programming for United Way?

11          A. No.

12          Q. All right. Let me show you some other  
13 invoices that -- that have been marked in this case.

14                The first is Exhibit 415 and these are  
15 exhibit -- these are invoices for CloudConnect. Are you  
16 familiar with CloudConnect?

17          A. I'm familiar with cloud services.

18          Q. All right.

19                MS. SHEFF: 415?

20                MR. DAVIS: Yes.

21          Q. So you're not familiar with CloudConnect?  
22 415, Ms. Sheff.

23          A. If I could see the exhibit maybe.

24                MR. DAVIS: Oh, it's on a CD. Okay.

25          Q. Well, we'll deal with that otherwise.

1           A.     I mean, cloud services or CloudConnect.  If  
2     it's the cloud environment that we're using, then, yeah,  
3     I'm familiar with that.

4           Q.     Okay.  I didn't mean to surprise you with  
5     that.  It's on a disk, so -- I don't think there's an  
6     objection, but we'll deal with it with another witness.

7                     Okay.  So just a few more questions,  
8     Mr. Voccio.

9                     Were you -- did you do some research and  
10    actually compile statistics that compared comparable  
11    United Ways and compared their amount of IT spending as  
12    of June of 2018?

13          A.     Yes, I did.

14          Q.     And can you just say how you did that?

15          A.     Pretty much a standard business that I had  
16    used when I was the CFO in United Way Rhode Island in  
17    Providence.

18                    We used a benchmark from the tax return, the  
19    Form 990, that's readily available from either GuideStar  
20    or from United Ways.  It's on their websites.

21          Q.     All right.

22          A.     So I took the information off their -- off  
23    their 990s, the statement of functional expenses is part  
24    of a core form.  There's standardized reporting from  
25    that and it has a line item for information technology



1 spend, among other expenses.

2 Q. Okay. And did you study particularly a group  
3 of approximately 20 United Ways, other United Ways?

4 A. Yes.

5 Q. And how did you choose the other United Ways?

6 A. I've been in the United Way system for about  
7 15 years. I mean, I -- I'm very well versed with the  
8 United Way entities. And I specifically wanted to find  
9 like United Ways that were of our size.

10 So just to give you example, I didn't include  
11 the United Way of Providence, Rhode Island. I wanted  
12 the bigger United Ways that are the metro -- as we call  
13 metro ones, top 15 United Ways, top 20 United Ways.

14 Q. And of the United Ways that you surveyed in  
15 that entire group, including United Way Boston, which  
16 United Way at that time had the highest IT spend?

17 A. United Way of Mass Bay and Merrimack Valley.

18 Q. So every other United Way was lower?

19 A. Yes. There was one close.

20 Q. And where was that?

21 A. The name's changed, but it's Southwestern  
22 Pennsylvania. And I was extremely familiar why their IT  
23 expense -- they were working on some special projects  
24 that I -- over the years I was familiar with.

25 Q. Okay.

1           A.     So it didn't surprise me for them.

2           Q.     And did you put your findings on a  
3     spreadsheet, a single-page spreadsheet?

4           A.     I did.

5           MR. DAVIS:   All right.

6           And, your Honor, that's been disclosed as  
7     Commisso 288, if counsel needs it. I'm not going to  
8     mark it, though.

9           THE COURT:   All right.

10          Q.     All right. So I wanted to ask you about  
11     the -- the efforts that United Way took, both to  
12     investigate and remediate your IT situation in the wake  
13     of the termination of Mr. Alrai and the separation from  
14     DigitalNet.

15                 Did you incur significant expenses?

16          A.     We -- we did, and we still continue to incur  
17     those expenses.

18          Q.     All right. And have you made an effort to at  
19     least roughly determine the amount of spend for United  
20     Way in investigating and remediating Mr. Alrai and  
21     DigitalNet?

22                 MR. HARRINGTON:   Judge, I'm just going to  
23     object at this point as to relevance of the charges.

24                 THE COURT:   What's the relevance?

25                 MR. DAVIS:   It has to do with loss.

1 THE COURT: Admitted. Overruled.

2 A. To date, we have a spreadsheet we're tracking.  
3 The cost that we've made to vendors is north of  
4 \$1.3 million and we're anticipating that will be  
5 somewhere around at least a million five.

6 Q. All right.

7 A. That's not including staff effort and other  
8 time that we've put into this. That's just paying  
9 vendors.

10 Q. Okay. You've used the term opportunity costs  
11 to refer to this situation.

12 A. Yes.

13 Q. And can you explain that briefly for the  
14 Court?

15 A. Sure. The -- the opportunity cost is -- you  
16 know, United Way as a system has been known to be  
17 struggling with, you know, IT as a movement and a lot of  
18 United Ways are trying to get ahead of that and try to  
19 do more with their technology to get ahead and connect  
20 with our donors.

21 And the opportunity costs lost at, you know,  
22 United Way Mass Bay is we're spending the time to do the  
23 remediation now. Had the systems been in place the way  
24 they could have been, we could have been using much more  
25 of our resources strategically to engage in the

1 communities, engage with our donors, using technology as  
2 a strength to really help us grow as a company. And  
3 we've actually taken a step backwards just trying to get  
4 the foundation and the groundwork up running.

5 And comparing to other United Ways that I'm in  
6 contact with and have been in contact with, they're  
7 clearly ahead of us on that and we're trying to play  
8 catch up to get back to where they're at.

9 MR. DAVIS: Nothing further. Thank you.

10 THE COURT: Cross-examination.

11 MR. HARRINGTON: Thank you, Judge.

12 THE COURT: Let's go off the record for a  
13 minute.

14 (Off-the-record discussion.)

15 CROSS-EXAMINATION

16 BY MR. HARRINGTON:

17 Q. Mr. Voccio, I don't have a lot of questions of  
18 you, but I do have a few. Those are the famous last  
19 words of a lawyer.

20 I want to ask you about -- kind of going back  
21 to the beginning of this, if you will.

22 If you can remind the Court, when did you  
23 start at United Way of Massachusetts Bay?

24 A. I started on -- May 1st, 2017, was my first  
25 day.

1           Q.     Okay.    So May 1st of 2017.   And Mr. Alrai was  
2     walked out of the building on June 12th of 2018; is that  
3     right?

4           A.     That's correct.

5           Q.     Okay.    So you were there for about 13 months;  
6     is that about right?

7           A.     That's about right.

8           Q.     Yeah.    As part of your kind of investigation,  
9     if you will, you kind of participated in a number of  
10    interviews with counsel, which was Mr. Commisso, for  
11    United Way, right, and the FBI, Homeland Security; you  
12    were kind of part of that process, right?

13          A.     I'm part of that process, yes.

14          Q.     Okay.    And so as part of that, you came to  
15    learn certain information, right?

16          A.     That was protected under attorney-client  
17    privilege.

18          Q.     Well, I'm not going to ask you about any  
19    protected information, obviously, and I'm sure  
20    Mr. Commisso would object if I did, but one of the  
21    things I wanted to ask you about is you looked into the  
22    RFP process going back to 2013, right?

23          A.     Correct.

24          Q.     Okay.    And one of the things you learned is  
25    that there was an RFP committee, correct?

1 A. Correct.

2 Q. And that RFP committee was actually  
3 specifically an IT RFP committee, right?

4 A. I believe so, it was.

5 Q. And that included Patricia Latimore, correct?

6 A. Correct.

7 Q. And at that time her position was?

8 A. Chief financial officer.

9 Q. Okay. So she was the CFO. That's obviously  
10 one of the senior executives on par with the chief  
11 administrative officer, correct?

12 A. Correct.

13 Q. Stan Burrows was part of that IT RFP  
14 committee, correct?

15 A. Correct.

16 Q. And Stan Burrows was actually an independent,  
17 kind of outside IT expert that was recruited by United  
18 Way to serve on the IT RFP committee, right?

19 A. Yes. He also serves on the administration and  
20 finance committee, our finance committee.

21 Q. So an outside person, but involved in the  
22 United Way process?

23 A. Yes.

24 Q. Additionally on that committee was Azim  
25 Mazagonwalla?

1 A. I believe so.

2 Q. Okay. And then also Imran Alrai?

3 A. Yes.

4 Q. And, lastly, Diane Dragoff was also a part of  
5 that IT RFP committee, correct?

6 A. I'm assuming so on that one.

7 Q. Okay. So in that regard, you had indicated  
8 that you had gone through and you'd looked at emails and  
9 things of that nature, right?

10 A. Correct.

11 Q. Okay. And you saw that there was actually  
12 communication amongst these participants of the IT RFP  
13 committee, correct?

14 A. Yes.

15 Q. And some of those communications related to  
16 the actual drafting of the RFP that would be put out to  
17 the public for bid, right?

18 MR. DAVIS: Objection as to specificity;  
19 confusing. We have no objection to showing an email at  
20 United Way, but a question about some of those  
21 communications -- the objection, I guess, is best  
22 evidence rule. If it's about the document, we should  
23 see the document at the time of the questioning.

24 THE COURT: Best evidence rule is about the  
25 admissibility of a document or I guess evidence in a

1 document. Is that what you're driving at?

2 MR. DAVIS: Yes. If the question is about  
3 evidence in emails, I would just ask that the email be  
4 presented to the witness --

5 THE COURT: Yeah --

6 MR. DAVIS: -- because that's what the  
7 question is about.

8 THE COURT: Yeah, I -- I understand your  
9 point, but I think this is proper questioning. I'm  
10 going to allow it.

11 Go ahead.

12 MR. HARRINGTON: Thank you.

13 THE COURT: But, then again, it might help  
14 your examination to do exactly what he's saying. I just  
15 don't know where you're going.

16 MR. HARRINGTON: Yeah. I think -- all I'm  
17 trying to establish is the communication, Judge. I  
18 don't really need to get into the specifics of the  
19 emails.

20 THE COURT: Right. I think that's probably  
21 why the best evidence rule doesn't apply.

22 MR. HARRINGTON: Yeah.

23 THE COURT: Go ahead.

24 MR. HARRINGTON: Thank you, Judge.

25 And I can also tell you, Judge, that I'm going



1 to go into a little bit more detail on those with  
2 another particular witness that the government's going  
3 to be calling, so I don't think there's any need to  
4 cover it twice.

5 THE COURT: Sure.

6 Q. So, again, just to kind of follow up on that,  
7 you were aware that there were communications among the  
8 RFP IT committee?

9 A. I was aware of communications. Specifically,  
10 I can't recall what those communications were.

11 Q. Sure. And you were aware that they were about  
12 the subject matter of the RFP that was going to be put  
13 out to bid, correct, for IT services?

14 A. I believe so, but I don't have a recall of  
15 that.

16 Q. Okay. What else would the RFP committee be  
17 talking about?

18 A. Oh, they would be -- they were going out for  
19 an RFP, but specific to what they were talking about,  
20 without seeing an exhibit, I can't have that instant  
21 recall.

22 Q. Sure. Fair enough.

23 You would agree with me that Patricia  
24 Latimore, she was at the time I think you indicated the  
25 CFO back in 2013, the time frame that we're talking

1 about, right?

2 A. Yes, she was.

3 Q. Okay. And she was actually Mr. Alrai's direct  
4 supervisor, correct?

5 A. And she continued to be his direct supervisor  
6 after I -- I joined the organization in 2017.

7 Q. Right. So, really, as you understand it, for  
8 the entire time with a brief exception of when Nancy  
9 Powers was there in 2012, 2013, your understanding is  
10 that Patricia Latimore, essentially for about five years  
11 or so, was Mr. Alrai's direct supervisor?

12 A. Yes.

13 Q. Okay. And you would agree with me that as  
14 part of that, she would be in a good position to be able  
15 to kind of talk about things that had been done by  
16 Mr. Alrai, accomplishments, things of that nature,  
17 right?

18 A. She would be supervising him, yes.

19 Q. Okay. And that was not your job, right? You  
20 had no supervisory oversight over Mr. Alrai, correct?

21 A. Correct. The terms of my hire for United Way  
22 Mass Bay was that I would be assuming all of her  
23 responsibilities except the IT.

24 Q. Okay. So now let me ask you a little bit  
25 about DigitalNet.

1           You would agree with me that when you joined,  
2       Nadeem Yousuf and Jasmin Iqbal were on the IT help desk;  
3       they were the DigitalNet kind of embedded employees at  
4       the United Way in Boston, right?

5           A.     They were.

6           Q.     Okay. And you would agree with me that they  
7       were proactive, polite, even-tempered people?

8           A.     Polite, even-tempered, I would agree; most of  
9       the time proactive. I wouldn't say all the time they  
10      were proactive.

11          Q.     You would agree with me they were good at  
12      their work?

13          A.     For the things they were being asked to do  
14      at -- yes, but what they were being asked to do were  
15      sort of plug in the computers, help out the -- the basic  
16      kinds of things that needed to be done. But they were  
17      good at it.

18          Q.     Okay. And you actually told the police that,  
19      or you told the FBI and Homeland Security that, right,  
20      that they were good at their work?

21          A.     I don't have an instant recall of that, but I  
22      probably did.

23          Q.     Okay. In regard to that, let's talk a little  
24      bit about the services that were provided.

25                 Would you agree that DigitalNet was hired

1 because United Way needed to be brought up to speed,  
2 that the IT program was very poor, this was one of the  
3 things that needed to be done starting back in 2012,  
4 2013?

5 MR. DAVIS: Objection; personal knowledge.  
6 Your Honor, this is a -- this goes back to 2012 and it  
7 was well before Mr. Voccio came. I have no objection to  
8 a business record from that time, but to ask him, with  
9 his knowledge, to evaluate the IT situation in 2012, he  
10 doesn't have the personal knowledge.

11 THE COURT: Well, we don't know if he has it  
12 or not. He may have it from other sources besides  
13 having worked there.

14 So I'll let you lay the foundation and if you  
15 have one, you can ask him; if Mr. Davis is right, you  
16 can't. Go ahead.

17 MR. HARRINGTON: Sure.

18 Q. Let me ask the question this way.

19 You were interviewed by Jill Laroe and Todd  
20 Donnelly on June 5th of 2018, right?

21 A. Correct.

22 Q. And as part of that, one of the things that  
23 you told them was that Alrai and DigitalNet did provide  
24 services to the United Way?

25 MR. DAVIS: Objection; hearsay. It's not

1 impeachment. I'm not sure what it is. It's a prior  
2 statement. He hasn't denied saying that.

3 THE COURT: Overruled.

4 Q. You -- you told the police that Alrai and  
5 DigitalNet provided services to the United Way, correct?

6 A. If that's what's written in the record, then  
7 that was written, yes.

8 THE COURT: What's your memory?

9 THE WITNESS: My -- my memory is that, yeah, I  
10 would say yes.

11 THE COURT: All right.

12 THE WITNESS: They provided services.

13 Q. And, additionally, that they -- DigitalNet and  
14 Mr. Alrai -- brought the IT program at United Way up to  
15 speed?

16 MR. DAVIS: Same objection. This is improper  
17 impeachment. He's not being impeached. He's just  
18 reading a prior statement of the witness.

19 MR. HARRINGTON: I'm not impeaching him. I'm  
20 asking if these statements are true.

21 THE COURT: Yeah. Overruled.

22 He has made statements in the past. What's  
23 the problem?

24 MR. DAVIS: But he's asking him -- he's  
25 reading the statement and saying did he make the

1 statement.

2 THE COURT: Well, he has a good faith basis to  
3 do that. He has a record to suggest he did make that  
4 statement, doesn't he?

5 Isn't that what you're using?

6 MR. HARRINGTON: Yes.

7 THE COURT: What's the problem?

8 MR. DAVIS: But he should ask -- he can ask  
9 the substance of the question.

10 THE COURT: He should conduct the examination  
11 the way he wants. He's not doing anything inadmissible.  
12 He's not -- he's not limited to impeaching. He's  
13 allowed to bring out evidence in any proper way, right?

14 I mean, I guess he could just ask him the  
15 questions in open air and if he disagrees, he can  
16 impeach him, but, you know, does he really need to go  
17 through that exercise? We don't have a jury here. I  
18 don't have a problem with this.

19 Go ahead.

20 Q. So --

21 THE COURT: And you'll have the same latitude,  
22 by the way.

23 Q. So, Mr. Voccio, you told in this interview  
24 that we're talking about --

25 A. Uh-huh.

1           Q.     -- that Mr. Alrai and DigitalNet brought  
2     United Way's IT program up to speed, correct?

3           A.     Correct. I -- this conversation happened  
4     about a year and a half ago, but if that's what's  
5     written, then yes.

6           THE COURT: Here's the question -- you need to  
7     understand.

8           THE WITNESS: Yes.

9           THE COURT: Answer his question --

10          THE WITNESS: Yup.

11          THE COURT: -- but if you -- answer it, but if  
12     you want to explain it --

13          THE WITNESS: Yeah.

14          THE COURT: -- in any way or put it in  
15     context, you can do that.

16          THE WITNESS: Oh, okay. Then, yeah, he -- I  
17     mean, he brought it up --

18          THE COURT: You just did. You explained,  
19     well, that's an old conversation. But --

20          THE WITNESS: Yeah.

21          THE COURT: -- feel free to answer his  
22     questions, but if you need to explain it to put it in  
23     some kind of context you want me to know, go ahead.

24          THE WITNESS: Okay. Then, yeah, I'd like to  
25     elaborate on that a little bit more, if I could.

1 THE COURT: Go ahead.

2 THE WITNESS: So when you say brought up to  
3 speed, from where they were in the past, it was  
4 definitely better, but the context of up to speed and  
5 what that would mean, that -- that could be a wide range  
6 of things as up to speed as to -- compared to what? You  
7 know, if you want to go on a conversation as compared to  
8 the other top 15 United Ways, I would not use that  
9 content of up to speed. I would be using a different  
10 content.

11 Q. So in regard to DigitalNet, you agree with me  
12 that DigitalNet provided services to the United Way that  
13 Alrai didn't provide as the CIO or vice-president in  
14 charge of IT?

15 A. That's -- I mean, Imran was our CIO and we  
16 were relying on the vendor to provide the services.  
17 That was the understanding.

18 Q. Okay. So DigitalNet was providing services  
19 that Alrai did not, right?

20 A. That's my -- that's my understanding. In  
21 actuality, if that was actually happening or not, I  
22 can't attest to that.

23 Q. Fair enough.

24 A. My understanding when I came to work that he  
25 was our CIO and DigitalNet was the vendor to provide the



1 external services on behalf.

2 Q. Okay. Well, you -- you advised in this  
3 interview with Ms. Laroe and others, Mr. Donnelly, that  
4 you were -- DigitalNet was one of the largest  
5 expenditures --

6 A. Yes.

7 Q. -- for United Way and they were -- they were  
8 providing services such as site management, right?

9 A. Correct.

10 Q. Virtual desktop?

11 A. Yes.

12 Q. On-site people, like we just talked about with  
13 Ms. Iqbal and Mr. Yousuf, right?

14 A. Correct.

15 Q. Network infrastructure?

16 A. I'm not an IT expert, so I can't attest to  
17 whether they were providing that or not. My background  
18 is administration finance and I supervise IT, but I'm  
19 not an IT expert, so I'm not going to -- I can't --  
20 whether we're doing it or not, I couldn't tell you.

21 Q. Okay. So whether they were doing it or not --

22 A. Uh-huh.

23 Q. -- I understand that you take issue with.

24 A. Yeah.

25 Q. What I'm saying is you told the law

1 enforcement personnel that were interviewing you --

2 A. Yeah.

3 Q. -- that that's what DigitalNet did; they --

4 A. Based on the invoices that I had in front of  
5 me --

6 Q. Let me finish the question, sir.

7 A. Yeah.

8 Q. Okay? Is that one of the things was network  
9 infrastructure. That's what you told them.

10 A. Yes.

11 Q. Desktop software?

12 A. Desktop software, absolutely.

13 Q. Google?

14 A. Yes. Google Suite, yes.

15 Q. Great Plains?

16 A. That's our accounting system.

17 Q. Andar/360?

18 A. The accounting system was also being managed  
19 by another vendor.

20 Q. Sure.

21 A. So they were -- the hosting was being done by  
22 DigitalNet. The actual software support was being done  
23 by another vendor day to day.

24 Q. Okay. And Andar/360?

25 A. Similar to the accounting system, Andar/360

1 was being supported by Helix. The hosting of the Andar  
2 was being supported by DigitalNet.

3 Q. Okay. In addition to that, you also advised  
4 law enforcement that there had been one-time contracts  
5 between the United Way and DigitalNet regarding  
6 specific, discrete projects?

7 A. Yes.

8 Q. Okay. And that those payments for these  
9 separate contracts would sometimes come either from  
10 capital costs or operating costs, right?

11 A. Correct.

12 Q. Okay. And in regard to payment, you described  
13 a process earlier in which invoices would come in,  
14 correct, and then they would be -- gone through a kind  
15 of chain of review before they were paid, right?

16 A. Correct.

17 Q. Okay. And that happened -- even with the  
18 invoices that were kind of reviewed today with you, that  
19 process was complied with, the internal controls,  
20 correct?

21 A. Correct.

22 Q. Okay.

23 A. There were approval processes within the  
24 department, in the IT, and there were also approval  
25 processes within the -- within the normal payment

1 process within the finance department.

2 Q. Yeah. And they were followed?

3 A. Correct.

4 Q. Let me ask you, in regard to -- if I could  
5 just have one moment.

6 So let me ask you about your site visits. You  
7 had talked about after Mr. Pallaria had come to you and  
8 raised some concerns that you decided to kind of on your  
9 own kind of investigate things a little bit, you know,  
10 make sure things were okay.

11 A. It was not on my own.

12 Q. Well, I guess what I'm talking about is you  
13 went there by yourself, I guess is what I'm referring  
14 to.

15 A. That's -- that's correct.

16 Q. I understand others at United Way were  
17 involved. I didn't mean it that way.

18 A. Yeah.

19 Q. So when you went, you said you went to the  
20 AISA office in Windham, but nobody was there?

21 A. Correct.

22 Q. Okay.

23 A. It didn't look like the place was open for  
24 business.

25 Q. Sure. And you agree with me that DigitalNet

1 doesn't have any contracts -- or excuse me -- United Way  
2 doesn't have any contracts with AISA Consulting?

3 A. That's correct.

4 Q. Okay. And there was some notice and contact  
5 information, you had indicated, was left on the door; if  
6 people were to come and nobody's there, they left some  
7 contact information?

8 A. I would agree with that, but I'd also agree  
9 with my 20 years' experience supervising IT, I've worked  
10 with many IT telecom vendors and when I've gone to their  
11 place of business, you would see vehicles parked out  
12 front, you would see shop vehicles with the logos on it,  
13 you would see something. I didn't see anything here.

14 Q. Yeah, this wasn't DigitalNet, though, was it?  
15 This was AISA Consulting.

16 A. But you didn't see anything at AISA. You  
17 didn't see a car there, you didn't see any sense of  
18 vehicles parked there. The blinds were drawn, no lights  
19 were on, and this was eleven o'clock in the morning.

20 Q. Sure. So let's talk about the Andover space,  
21 the DigitalNet space.

22 You went there to -- is it 300 Brickstone  
23 Commons in Andover, right?

24 A. Correct.

25 Q. You ultimately locate building 300?

1           A.     It took me a while, but I found it.

2           Q.     Yup. And you go up there and find the Regus  
3 kind of sign and go up there to the appropriate floor  
4 for that?

5           A.     I actually was looking for -- I wasn't looking  
6 for the Regus sign. I was looking for cross-referencing  
7 the 201 suite because that was what I had on  
8 DigitalNet's invoice.

9           Q.     Yup.

10          A.     And I was perplexed when I saw Regus and said,  
11 this does not add up. I didn't know -- understand what  
12 Regus was, but I proceeded up to the 201 suite.

13          Q.     Yeah. And you ultimately found out that it  
14 was like a common WeWork space?

15          A.     I found out that it was a common WeWork space  
16 and I was -- also found out that DigitalNet did not  
17 self-identify on the marquee.

18          Q.     Yup. But, in fact, although it didn't  
19 self-identify on the marquee, they actually had access  
20 to and rented space in that location?

21          A.     Yes.

22          Q.     Okay.

23          A.     And the other vendors all identified  
24 themselves on that space, on that marquee.

25          Q.     You had talked about -- I'm going to switch

1 gears, Mr. Voccio, to the letter that you talked about  
2 that United Way had received from DigitalNet's lawyers,  
3 McLane Middleton. Do you recall talking to the  
4 prosecutor about that?

5 A. I'm sorry. Say -- repeat.

6 Q. Do you recall talking to the prosecutor about  
7 that letter?

8 A. We -- we saw it here, yeah.

9 Q. Yeah. And that was about the telephony  
10 services?

11 A. It was a telephone services -- I believe it  
12 was more than just the telephone services. It was also  
13 about a board portal that we had in addition to the  
14 telephone services.

15 Q. And what I want to kind of drill in on is that  
16 there was discussion about the payment of the bill or  
17 that DigitalNet, you know, wouldn't continue with the  
18 service and there was a concern that United Way might  
19 have an interruption in service, right?

20 A. Correct.

21 Q. Okay. And that actually never happened,  
22 right? There was never an interruption in service?

23 A. The interruption in service never happened  
24 because without your client's assistance, TBS was able  
25 to ascertain all of the user passwords and get all of

1 the activity working with various entities and a lot of  
2 hard work to do all of this work. And none of that was  
3 being provided willingly on June 12th by your client and  
4 we felt very confident at the time what we were trying  
5 to do was this -- safeguard the assets and make certain  
6 that we could keep our business open. The month of June  
7 was highly critical to that we could close on business  
8 that we conduct for pledges.

9 Q. And the point of the question is DigitalNet  
10 didn't take any steps to interrupt the service of United  
11 Way, did they?

12 A. In the end, no. But the letter, when we read  
13 it, it came across like it was threatening that they  
14 would.

15 Q. Okay. But they didn't, did they?

16 A. Correct.

17 Q. Okay.

18 A. But that was after our attorney sent two  
19 letters back to -- I believe to that attorney's office  
20 asking for additional information and asking for what  
21 was going back. So that wasn't the only correspondence.  
22 There was correspondence back and forth that took over a  
23 place of about a course of two or three weeks.

24 Q. Sure. And part of that information -- you  
25 just tried to characterize my client as uncooperative



1 and not providing information. In fact, part of the  
2 information that got exchanged through attorneys was a  
3 lot of information about the network and information  
4 about passwords, things of that nature, that my client  
5 gave, through counsel, to United Way's counsel?

6 A. But there was no information exchanged during  
7 the interview on June 12th, when TBS was asking for  
8 specific information, IT to IT technical person, that  
9 would have helped us in the moment attain that activity.

10 Q. That's an answer, but it's not the answer to  
11 the question that I gave you.

12 A. Uh-huh.

13 MR. DAVIS: Objection to counsel testifying.

14 THE COURT: Yeah.

15 MR. HARRINGTON: Okay. I'll rephrase it. So  
16 let me rephrase the question again.

17 THE COURT: Sustained.

18 Q. You had indicated that there was no  
19 information provided by my client and you talked about  
20 other letters that went back and forth between counsel.

21 Part of my question to you is as part of that  
22 exchange, counsel for Mr. Alrai provided a number of  
23 pieces of information that were requested through  
24 Mr. Commisso and the United Way; right?

25 A. I don't recall the specifics, but I believe

1     there was some information provided.  Whether it was  
2     useful or not, I can't attest to that either.

3             But I would suggest --

4             Q.     Now --

5             A.     -- the timing of it was late, after we had  
6     already ascertained all of that information on June 12th  
7     and shortly thereafter.

8             Q.     True.  Let me ask you, in regard to --

9             If I may have just one moment, Judge?

10            THE COURT:  Yup.

11            MR. HARRINGTON:  Judge, thank you for that.

12            Q.     Let me ask you this, Mr. Voccio.

13            Were you familiar with the performance  
14     reviews of Mr. Alrai during the time that he was the  
15     vice-president and CIO at United Way?

16            A.     No.  I was not his direct supervisor.  That  
17     would have been Patricia Latimore.

18            Q.     Okay.  And what I asked was whether you were  
19     aware of his performance reviews during that time  
20     period.

21            A.     I wasn't intimately familiar with his reviews,  
22     nor of any of her other direct reports.  I was familiar  
23     with the direct reports that I supervised.

24            Q.     Okay.  So you're not aware -- I'm just not  
25     certain of what your answer is.  Are you --

1           A.     So if you would ask me if -- was I aware of  
2     the specifics of what was in his -- with his review, I  
3     would say no.

4           Q.     Okay.

5           A.     I have not reviewed his documents.

6           Q.     Okay. Are you aware that he received positive  
7     reviews for all the years that he was there?

8           A.     I didn't receive them. I -- can you rephrase  
9     the question?

10          Q.     Sure.

11                THE COURT: He's asking if you're aware --

12                THE WITNESS: Yeah.

13                THE COURT: -- that he -- that he received  
14     positive reviews during his years of employment with the  
15     United Way.

16          A.     I would assume so, just like any other  
17     employee would have. If they were unpositive reviews,  
18     they probably wouldn't still be employed with the  
19     organization.

20                MR. HARRINGTON: Okay. I have no other  
21     questions, Judge.

22                THE COURT: Charli, what time did we start?

23                THE CLERK: 10:30, Judge.

24                THE COURT: Oh, we've been going -- 10:30?

25                THE CLERK: I'm sorry. 9:30, Judge.

1 THE COURT: Yeah. That was a long 30 minutes.  
2 So it's time for the morning break. Let's  
3 take -- we're in recess.

4 MS. LE: How long, your Honor? I'm sorry.  
5 How long is our morning break?

6 THE COURT: The usual 15.

7 MS. LE: Thank you.

8 (Recess taken from 11:01 p.m. until 11:25 a.m.)

9 MR. DAVIS: Briefly on redirect, your Honor.

10 THE COURT: Sure.

11 MR. DAVIS: This is called free range.

12 THE COURT: What happened?

13 MR. DAVIS: It's okay. Mr. Voccio just --

14 THE COURT: No, I'm asking what happened to  
15 it. Oh, it's over there? Okay.

16 MR. HARRINGTON: Cam is going to be sitting  
17 here, Judge, or standing here, and so I'm going to  
18 relocate.

19 THE COURT: Okay. Go ahead.

20 REDIRECT EXAMINATION

21 BY MR. DAVIS:

22 Q. Mr. Voccio, you were asked whether the  
23 invoices that DigitalNet provided to United Way were  
24 paid under a process and approved under a process at  
25 United Way. Do you recall that?

1 A. Yes, I do recall that.

2 Q. All right. And I'm showing you now on  
3 Exhibit 309, I believe it's page 17 of that exhibit, do  
4 you see that in front of you?

5 A. Yes, I do.

6 Q. And that's a \$40,000 and some change invoice  
7 sometime in the summer of 2013, right?

8 A. I see someone's date on that, yes, 2013, yes.

9 Q. Okay. And does that have a note on it in  
10 handwriting?

11 A. It does. It --

12 Q. Okay. And what does it say?

13 A. There's a few lines on here. It looks like  
14 various print.

15 You've got okay to pay, ACH only -- so we're  
16 not going to pay via a check, this was going to be an  
17 electronic funds payment.

18 It's got Imran Alrai, spelled out. I've got a  
19 date of 8/27/2013, and then it's referencing -- I want  
20 to say contract 2008.

21 Q. Okay.

22 A. I don't know if that makes sense.

23 And then it's got some stampage, normal batch  
24 stamping from the accounting department when we're going  
25 to pay the invoice.

1           Q.     So, Mr. Voccio, was it part of United Way's  
2 policy and process that an officer of a department with  
3 a direct conflict of interest on a \$40,000 payment could  
4 approve that payment?

5           A.     Absolutely not, no.

6           MR. DAVIS:   Nothing further.

7           MR. HARRINGTON:   I have nothing on that,  
8 Judge.

9           THE COURT:   Now, sir, you're excused.   You  
10 were under the sequestration, but I know you want to  
11 watch the proceedings, so you're welcome to do that now.

12                  Understand, Counsel, you won't be able to  
13 recall him.

14           MR. DAVIS:   So, your Honor, we've conferred  
15 and we -- Mr. Voccio will not be in the courtroom for --  
16 so that he can be available for recall, if necessary.

17           THE COURT:   Okay.

18           MR. DAVIS:   We don't anticipate it, but just  
19 if that might happen.

20           THE COURT:   Well, understood.

21           THE WITNESS:   And, your Honor, the intent of  
22 my being here for the rest of the counsel was just to  
23 let you know that there's -- someone representing the  
24 corporation was going to be here, but we chose otherwise  
25 to not do that.

1 THE COURT: Thanks.

2 THE WITNESS: Okay.

3 (Witness excused.)

4 MS. LE: Good morning, your Honor.

5 THE COURT: Good morning.

6 MS. LE: The government calls Maureen Johnson  
7 to the stand, please.

8 THE CLERK: Good morning. If you'd like to  
9 step this way, please, come down the center and cut  
10 through the tables.

11 If you could step into the witness box and  
12 remain standing, please.

13 Please raise your right hand.

14 **MAUREEN JOHNSON**, having been first duly sworn,  
15 testified as follows:

16 THE CLERK: For the record, please state your  
17 full name and spell your last name.

18 THE WITNESS: My name's Maureen Johnson. Last  
19 name is spelled J-o-h-n-s-o-n.

20 THE CLERK: Thank you. Please be seated.

21 DIRECT EXAMINATION

22 BY MS. LE:

23 Q. Good morning, Ms. Johnson.

24 A. Good morning.

25 Q. You see we have a court reporter who's going

1 to be taking notes of this proceeding. There's also a  
2 microphone. Could you please speak into the microphone  
3 and keep your voice up.

4 A. Okay. Sure.

5 Q. Thank you very much.

6 Ms. Johnson, where do you work?

7 A. I currently work for a company called RADG  
8 Holdings.

9 Q. That company, was it previously known as the  
10 Robert Allen Group or Robert Allen DuraLee Group?

11 A. Yes, it was.

12 Q. Same company, in essence?

13 A. Same company, yes.

14 Q. How long have you been with Robert Allen?

15 A. I've worked with the company for 14 years.

16 Q. What is your current job title?

17 A. I am currently the vice-president of human  
18 resources.

19 Q. Okay. And before your current position as VP  
20 of human resources, what other positions did you hold at  
21 the Robert Allen Group?

22 A. I was the director of human resources.

23 Q. And have you worked your entire career in the  
24 HR field?

25 A. Yes, I have.



1 Q. And how many years of total HR experience do  
2 you have?

3 A. Over 30.

4 Q. Thank you, ma'am.

5 So I'd like you to give the Court a little bit  
6 of background about the Robert Allen Group. What type  
7 of business does it operate?

8 A. The Robert Allen Group is a wholesaler of home  
9 furnishings such as textiles and furniture. We sell  
10 primarily to the interior design industry.

11 Q. Okay. And are there physical locations of  
12 that business?

13 A. Yes, there are.

14 Q. Tell the Court a little bit about those  
15 physical locations.

16 A. We have multiple locations. We have our  
17 office currently in Mansfield, Massachusetts; we have a  
18 distribution center in Gaffney, South Carolina; we also  
19 have a design and marketing office in Brooklyn,  
20 New York; and we have seven showrooms that are located  
21 throughout the country.

22 Q. Thank you.

23 Are there online sales?

24 A. Yes, there are online sales. We have two  
25 websites. One is Robert Allen and one is Duralee

1 Fabrics. Both accept orders online.

2 Q. Okay. And can a customer like myself come  
3 into the store or the showrooms or purchase items from  
4 Robert Allen Group online?

5 A. No, we -- again, we sell primarily to what we  
6 would call the trade, which is, again, interior  
7 designers. We're a wholesaler. We do not sell direct  
8 like a retail store.

9 Q. Thank you, ma'am.

10 At some point was there a Foxborough location,  
11 Foxborough, Massachusetts, location?

12 A. Yes. We were based -- when I started with the  
13 company, we were based in Foxborough, 225 Foxborough  
14 Boulevard.

15 Q. Okay. Was there also a New York City  
16 location?

17 A. Yes, there was.

18 Q. Okay. What's the difference between the  
19 Foxborough location and the New York City location?

20 A. The Foxborough location was primarily kind of  
21 operations; our finance team located there, IT team,  
22 purchasing, human resources, along with credit and  
23 product management.

24 In our New York location, you would find  
25 mostly our design team, the designers who actually help

1 create the fabric, the marketing team, along with  
2 several of our senior executives.

3 Q. Thank you, ma'am.

4 So do you know Imran Alrai?

5 A. Yes, I do.

6 Q. How do you know Mr. Alrai?

7 A. I actually hired Imran back in May of 2006.

8 Q. Tell the Court briefly what your role was in  
9 the hiring process of Mr. Imran Alrai.

10 A. Sure. We were looking for an operating  
11 vice-president-level position in IT. I was the HR  
12 person based in the Foxborough location and I was  
13 responsible for the recruitment of that position.

14 I made the job offer to Imran. I did not make  
15 the final hiring decision. That would have been the CIO  
16 at the time. His name was Cliff Hubbard. But I  
17 extended the offer to Imran. I also would have done the  
18 HR on-boarding of Imran into the company.

19 Q. Thank you, ma'am.

20 You mentioned a name Cliff Hubbard. Would you  
21 please spell Mr. Hubbard's name?

22 A. Sure. Cliff, C-l-i-f-f, Hubbard,  
23 H-u-b-b-a-r-d.

24 Q. Thank you, ma'am.

25 What date did Mr. Alrai join the Robert Allen

1 Group?

2 A. That would have been May 30th, 2006.

3 Q. At that time, your role was?

4 A. I was the director of human resources at that  
5 time.

6 Q. Okay. And was there someone above you in  
7 terms of HR?

8 A. Yes, there was. I reported directly to Judy  
9 Fishman, who was the senior vice-president of human  
10 resources.

11 Q. And will you spell Fishman for the record?

12 A. F-i-s-h-m-a-n.

13 Q. What was Mr. Alrai's title when he started at  
14 the Robert Allen Group?

15 A. His title was director of communications,  
16 desktop and technology. Excuse me. Operating  
17 vice-president of communications, desktop and  
18 technology.

19 Q. That's a long title.

20 A. Yes.

21 Q. Was he a supervisor?

22 A. Yes.

23 Q. Did he report to anyone?

24 A. He did. At the time he was hired he reported  
25 to Mr. Hubbard.

1 Q. The CIO?

2 A. Correct.

3 Q. Okay. Now, tell the Court a little bit about  
4 that on-boarding process that you mentioned earlier.

5 A. Sure. So when Imran was hired, typically  
6 there is human resources forms that need to be  
7 completed, compliance forms like an I-9, W-4, other HR  
8 documents that we would require new hires to sign. They  
9 would actually also sign something called a Code of  
10 Conduct as well.

11 Q. Okay. And did you -- were you the person who  
12 went through the office -- the company's policies and  
13 procedures with Mr. Alrai?

14 A. Yes. The code of conduct would have been gone  
15 through by me and he would have signed off on an  
16 acknowledgment form as well.

17 Q. Okay. And this all happened on the first day,  
18 the first week?

19 A. First day.

20 Q. Okay. Now, let's talk a little bit about the  
21 conflict of interest or the Code of Conduct form you  
22 mentioned.

23 A. Uh-huh.

24 Q. What is the Code of Conduct form?

25 A. The Code of Conduct includes, actually, a

1 summary of several policies. It would include policies  
2 such as conflict of interest, sexual harassment, design  
3 integrity. There were several policies on computer  
4 security and communication systems and those were kind  
5 of behind -- the Code of Conduct would sit on top and  
6 then the policies would be behind that.

7 Q. Okay. So did you physically give him the  
8 company policies, the Code of Conduct form, that kind of  
9 thing?

10 A. Yes --

11 Q. And did he sign --

12 A. -- we did that with every hire.

13 Q. I'm sorry.

14 A. Yes.

15 Q. Please repeat that. I'm sorry. I spoke over  
16 you.

17 A. Yes, I did give that to him. We do that with  
18 every new hire. And, yes, he did sign an acknowledgment  
19 form.

20 Q. Did the Robert Allen Group have an outside  
21 employment policy?

22 A. Yes, we did.

23 Q. Can you tell the Court a little bit about the  
24 outside employment policy?

25 A. Sure. So the outside employment policy was

1 designed to make sure that if people were to hold two  
2 jobs at any point in time that they were employed with  
3 the company, that they were to notify their supervisor  
4 first.

5 The goal was really to make sure that the  
6 individual's primary responsibility would be to Robert  
7 Allen and not to the second job and that it wouldn't  
8 interfere with the hours or the work and their primary  
9 responsibilities at Robert Allen.

10 Q. And was this outside employment policy written  
11 anywhere?

12 A. Yes, it was. It was in our policy manual as  
13 well as on our intranet.

14 Q. Thank you.

15 Now, for the purposes of -- actually, may I  
16 ask Ms. Sheff to pull up Exhibit 724.

17 And, ma'am, on the screen we're going to pull  
18 up the exhibit. Do you see that?

19 A. Yes.

20 Q. Do you recognize this exhibit?

21 A. Yes, I do.

22 Q. What is it?

23 A. It's an email from my previous supervisor,  
24 Ms. Fishman, to Mr. Alrai.

25 Q. Okay. And there's also a response from

1 Mr. Alrai; is that right?

2 A. Correct.

3 MS. LE: Your Honor, the government moves to  
4 admit 724.

5 MR. HARRINGTON: No objection.

6 THE COURT: Admitted.

7 (Government's Exhibit 724 admitted.)

8 MS. LE: Thank you.

9 Q. Now, Ms. Johnson, there is also a name, a cc  
10 here, Paul Luba, L-u-b-a. Who is Mr. Luba?

11 A. Mr. Luba would have been Mr. Alrai's  
12 supervisor at the time of this email.

13 Q. Okay. I'm just highlighting the first email.  
14 Do you see that at the bottom?

15 A. Yes.

16 Q. And that's a date of November 29th?

17 Thank you.

18 A. Yes.

19 Q. I'm going to clear the screen, my marking.

20 All right. So you see this. What was the  
21 purpose of this email?

22 A. It had been brought to our attention that  
23 Imran was teaching college-level classes, I believe it  
24 was at Hesser College and ITT, and had not made the  
25 company aware that he was teaching.



1 Q. Okay. And based on this email, can you say  
2 whether the defendant was aware of the company's outside  
3 employment policy?

4 A. He looks -- he was made aware of the policy.

5 Q. Let's go to the top part of that exhibit, 724,  
6 Mr. Alrai's response, also on November 29, 2010.

7 A. Correct.

8 Q. Okay.

9 A. And basically at the time he was given a copy  
10 of the policy. It was emailed -- it was attached to  
11 that email is my understanding and at the time he was  
12 not teaching when that discussion was had with  
13 Ms. Fishman.

14 Q. Okay. So is it your understanding that he was  
15 aware of the outside policy; that was brought to his  
16 attention --

17 A. Yes.

18 Q. -- in 2010?

19 A. Yes.

20 Q. Thank you very much.

21 Ms. Johnson, at some point was the defendant  
22 promoted to CIO?

23 A. Yes, he was. He was promoted to CIO in June  
24 of 2007.

25 Q. How long did he serve as the CIO?

1           A.     Until he left the company in September of  
2     2013.

3           Q.     And within the Robert Allen Group, is the CIO  
4     considered an executive-level position?

5           A.     Yes, it was.

6           Q.     What was his area of responsibility as the  
7     CIO?

8           A.     Imran oversaw the entire information  
9     technology department, which would have included groups  
10    such as our business intelligent team, our kind of help  
11    desk support area, along with many of our programers and  
12    analysts.

13          Q.     Now, he was the CIO for some time. On  
14    average, how many people reported to him?

15          A.     On average, about 15.

16          Q.     Okay. And did his direct reports work on-site  
17    at the Foxborough office?

18          A.     Yes, they did.

19          Q.     Okay. How about an individual named Kal Wahbe  
20    or Mohamad Kal Wahbe?

21          A.     Kal worked for many years in the Foxborough  
22    office and there was a period of time where he worked  
23    remotely for about one year.

24          Q.     Okay. Now, when Mr. Alrai became the CIO, did  
25    he have an office at the Foxborough location?

1           A.     Yes, he did.

2           Q.     Okay. And what was his work schedule on-site,  
3 generally?

4           A.     Generally, when Imran first started with the  
5 company, he was on-site pretty much most days, almost  
6 every day. Monday through Friday would have been a  
7 normal work schedule.

8                     As he spent more time with the company, his  
9 work schedule reduced or his presence in the office  
10 became less.

11          Q.     Okay. Near the end, how often was he at  
12 Robert Allen's Foxborough location?

13          A.     My best recollection would be maybe one day a  
14 week.

15          Q.     Okay. Now, is the position of CIO a full-time  
16 job at Robert Allen Group?

17          A.     Absolutely.

18          Q.     And in HR speech, what is -- what -- is there  
19 a number of hours that is considered full-time work?

20          A.     A full-time -- what we would consider would be  
21 40 hours and I would expect that a CIO would probably do  
22 absolutely 40 plus.

23          Q.     Okay. Now, did you become aware that the  
24 defendant had dual employment at the United Way?

25          A.     I did.

1 Q. How did you become aware of that situation?

2 A. In May, June of 2012, I had attended a human  
3 resources conference regarding 401(k) planning. As I  
4 was registering for the conference, I got a name badge  
5 which I put on my jacket and had Maureen Johnson and the  
6 Robert Allen Group on my name badge.

7 I was getting a cup of coffee to enter into  
8 the conference and a woman came up beside me and  
9 introduced herself. I don't recall her name. And she  
10 noticed my name badge and said, oh, you work for the  
11 Robert Allen Group. And I responded, yes, I did. And  
12 she said, oh, we just hired one of your former  
13 employees.

14 And I'm thinking to myself, that's great --  
15 the company had recently gone through some layoffs, so  
16 I'm thinking in my head that's good, someone got a  
17 job -- and she proceeded to tell me, yes, we just hired  
18 Imran Alrai.

19 Q. Okay. What was your reaction?

20 A. I was kind of dumbfounded.

21 Q. Why?

22 A. Because Imran was still working for the Robert  
23 Allen Group.

24 Q. Okay. Can you describe the person who had  
25 this conversation with you during that conference?

1           A.     Sure.  Again, I don't remember her name, but  
2     she was an African-American woman.  I'm going to say  
3     probably about 50-ish.

4           Q.     Okay.  Now, you said you were dumbfounded.  
5     Did you say anything to this person from United Way?

6           A.     I did not.

7           Q.     What did you do instead?

8           A.     I sat with her through the conference and she  
9     had other colleagues from the United Way there as well  
10    and I sat with them for lunch.  I was trying to see if I  
11    could get more information about Mr. Alrai's employment.  
12    Didn't necessarily come up, but I didn't ask questions  
13    either.

14          Q.     Okay.  How long was that conference?

15          A.     Probably about six hours.

16          Q.     Where was that conference that you --

17          A.     I believe it was in Waltham, Mass.

18          Q.     Okay.  After that conference, what did you do?

19          A.     I went back to my office.  My supervisor, Judy  
20    Fishman, was on vacation and I proceeded to call our  
21    CEO, Phil Kowalczyk.

22          Q.     Can you spell Mr. Kowalczyk's last name?

23          A.     I will.  K-o-w-a-l-c -- K-o -- sorry.  
24    K-o-w-a-l-c-z-y-k.

25          Q.     Thank you.  Where was Mr. Kowalczyk when you

1 called him, if you know?

2 A. I don't recall.

3 Q. Okay. He wasn't at the Foxborough office?

4 A. He was not. He was not normally based in the  
5 Foxborough office.

6 Q. Okay. What did you -- and you told him what  
7 you experienced?

8 A. I told him what just happened at the  
9 conference.

10 Q. Okay. At some point there was a termination  
11 process involving Mr. Alrai, right?

12 A. Correct.

13 Q. Were you involved in the termination process  
14 of Mr. Alrai?

15 A. I was not.

16 Q. Okay. But do you know when he separated from  
17 the Robert Allen Group?

18 A. September 18th, 2013.

19 Q. Ma'am, you know, these events happened many  
20 years ago.

21 A. Uh-huh.

22 Q. Are you confident about the time frame in  
23 which you learned about Imran Alrai's employment at the  
24 United Way?

25 A. Yes, I am.

1 Q. Okay. What makes you -- makes it stand out in  
2 your mind?

3 A. I'd never had that happen in my career, have  
4 someone at a senior level working at one company while  
5 working at another company.

6 MS. LE: Okay. Thank you, ma'am.

7 Your Honor, the government tenders the  
8 witness.

9 THE COURT: Thank you.

10 CROSS-EXAMINATION

11 BY MR. HARRINGTON:

12 Q. Good morning, Ms. Johnson.

13 A. Good morning.

14 Q. Just a few questions, ma'am.

15 Let me pick up where Ms. Le left off.

16 You indicate that you found out that Mr. Alrai  
17 was employed at another company, the United Way, and I  
18 think you indicated sometime in the summer of 2012; is  
19 that correct?

20 A. Correct, May or June.

21 Q. May or June?

22 A. Uh-huh.

23 Q. Okay. And you indicated that I think the next  
24 day you told the CEO or maybe it was the same day.

25 A. Same day.

1 Q. Same day, you told the CEO, Phil Kowalczyk,  
2 about it?

3 A. Correct.

4 Q. Okay. So the most senior person at Robert  
5 Allen was made aware of it the same day you found out  
6 about it?

7 A. Correct.

8 Q. Okay. And you also indicated to the  
9 prosecutor that Mr. Alrai remained employed at Robert  
10 Allen until September of 2013. So roughly another, you  
11 know, year and four months, year and five months,  
12 roughly; is that fair to say?

13 A. Yes.

14 Q. Okay. And so would it be fair to say that  
15 after you learned of it, you told the CEO, Mr. Alrai was  
16 approached about the subject, correct?

17 A. I believe he was, but I was not involved in  
18 that process.

19 Q. Okay. Were you aware that the Robert Allen  
20 Group attempted to negotiate a contract to keep him and  
21 maintain his employment with Robert Allen even though he  
22 was also working at the United Way?

23 A. No, I wasn't.

24 Q. Okay. But, nevertheless, you would agree that  
25 everybody was aware of it, right, of the dual



1 employment?

2 A. Yes.

3 Q. Okay. And it was allowed to go on for  
4 another, as we've indicated, you know, year and four  
5 months, year and five months?

6 A. Yes.

7 Q. And during that time period, Mr. Alrai  
8 remained in his position as a -- I don't want to get the  
9 title wrong, but I think you had indicated it was  
10 initially the operations vice-president, but then later  
11 he was promoted to the chief information officer.

12 A. Correct, yes.

13 Q. And so for that year and four, year and  
14 five months, he remained as the chief information  
15 officer?

16 A. Correct.

17 Q. Okay. You had mentioned the outside work  
18 policy initially, kind of at the beginning of your  
19 testimony. Do you recall talking about that a little  
20 bit?

21 A. Yes.

22 Q. Okay. And one of the things you had mentioned  
23 is that early on, Mr. Luba was Mr. Alrai's direct  
24 supervisor, right?

25 A. Correct.

1           Q.     And although we saw that email and you  
2     indicated Mr. Alrai wasn't currently working outside at  
3     the time, it was permitted through Mr. Luba that he be  
4     allowed to work outside, teaching -- ITT, college, stuff  
5     like that, that was approved?

6           A.     I don't recall.

7           Q.     Okay. So you've indicated that this policy  
8     existed, correct?

9           A.     Yes.

10          Q.     But not -- not -- excuse me -- about kind of  
11     not allowing dual employment, right?

12          A.     It would be allowed with approval.

13          Q.     Okay. And would it be fair to say that since  
14     you and the CEO knew for about a year and four months or  
15     a year and five months, Mr. Alrai could reasonably  
16     assume that that was approved since it wasn't stopped  
17     and he wasn't directed to stop?

18          A.     Mr. Alrai didn't report to me. It wasn't up  
19     to my -- up to me to make a decision whether it was  
20     approved or not.

21          Q.     Okay. The CEO, obviously, would have the  
22     authority to terminate that if he chose, correct?

23          A.     Yes.

24                 MR. HARRINGTON: Okay. Judge, I have no other  
25     questions for this witness.

1 THE COURT: Any redirect?

2 REDIRECT EXAMINATION

3 BY MS. LE:

4 Q. Ms. Johnson, to your knowledge, before the  
5 defendant got his second full-time job with the United  
6 Way, did he ask permission from anyone at the Robert  
7 Allen Group, if you know?

8 A. Not that I'm aware of.

9 MS. LE: Thank you. No further questions,  
10 your Honor.

11 MR. HARRINGTON: I have nothing else, Judge.

12 MS. LE: Thank you, Ms. Johnson. You're  
13 excused.

14 (Witness excused.)

15 MS. LE: Your Honor, the government calls Phil  
16 Kowalczyk to the stand, please.

17 THE COURT: Thank you.

18 THE CLERK: Good morning, sir. If you'd like  
19 to step this way, please. If you could step into the  
20 witness box and remain standing.

21 THE WITNESS: Sure.

22 THE CLERK: Please raise your right hand.

23 **PHILIP KOWALCZYK**, having been first duly  
24 sworn, testified as follows:

25 THE CLERK: For the record, please state your

1 full name and spell your last name.

2 THE WITNESS: Philip H. Kowalczyk. And it's  
3 spelled K-o-w-a-l-c-z-y-k.

4 THE CLERK: Thank you. Please be seated.

5 DIRECT EXAMINATION

6 BY MS. LE:

7 Q. Thank you, Mr. Kowalczyk.

8 You see we have a court reporter and a  
9 microphone. Please speak into the microphone and keep  
10 your voice up.

11 A. Okay.

12 Q. Thank you.

13 Mr. Kowalczyk, where do you reside?

14 A. Raleigh, North Carolina.

15 Q. Did you retire recently?

16 A. I did recently retire.

17 Q. Okay. And before your recent retirement, what  
18 did you do for a living?

19 A. I was a managing director at Deloitte  
20 Consulting.

21 Q. How do you spell Deloitte Consulting?

22 A. Deloitte is D-e-l-o-i-t-t-e and Consulting is  
23 C-o-n-s-u-l-t-i-n-g.

24 Q. Could you give the Court a -- some brief  
25 background on your work history.

1           A.     Sure.   The easiest way to think about my work  
2 history is half of a career spent in consulting, both in  
3 my early career and then at the very end of my career,  
4 and in the middle I ran three different consumer  
5 products companies, ranging from Lóreal to Talbots to  
6 then Robert Allen, which was a bit of a mix, more of a  
7 B-to-B business.

8           Q.     Okay.   And when you say B and B business --

9           A.     Oh, I'm so sorry.

10          Q.     -- what does mean?

11          A.     Business to business, as opposed to business  
12 to consumer.

13          Q.     So not a retail, you sell to the trade --

14          A.     To the trade.

15          Q.     -- wholesale?

16          A.     Yes, exactly.

17          Q.     Thank you, sir.

18                 You mentioned the Robert Allen Group.   When  
19 did you work for Robert Allen?

20          A.     I joined Robert Allen November 1st of 2011.

21          Q.     When did you leave Robert Allen Group?

22          A.     At end of March in 2018.

23          Q.     Was it '18 or '17?

24          A.     '17.   '17, that's right.

25          Q.     Thank you, sir.

1                   What positions did you hold at the Robert  
2 Allen Group?

3           A.     I was the president and CEO.

4           Q.     And did you have a role with the board as  
5 well?

6           A.     And I was chairman of the board.

7           Q.     Was the Robert Allen Group a publicly traded  
8 company?

9           A.     It's not a publicly traded company. It was  
10 family-owned and then owned by a private equity group.  
11 So it's privately held.

12          Q.     Thank you, sir.

13                   What were your responsibilities as the CEO and  
14 president of the Robert Allen Group?

15          A.     So I'm responsible or was responsible for both  
16 the future strategy as well as the current operations of  
17 the company, largely responsible for, obviously, the  
18 care and development of our employees, making sure we  
19 have the right products and that our customers are  
20 getting not only the best products, but also best  
21 services.

22          Q.     Where was the business located?

23          A.     The business had a number of different  
24 locations. We had -- our design center was in New York;  
25 a lot of the key operations of the company, HR, finance,

1 IT, were located in Foxborough, Massachusetts; and then  
2 we had a significant operation in Gaffney, South  
3 Carolina, which was a blend of distribution center, but  
4 also our call centers were there.

5 Q. Did you have showrooms as well throughout the  
6 country?

7 A. We had showrooms throughout the country and  
8 then also in Canada and in London.

9 Q. Thank you, sir.

10 Where were you physically located?

11 A. Most of my work was in New York. I obviously  
12 went to all of our different offices. I occasionally  
13 hung out in Raleigh, but for the most part I was in  
14 New York and took responsibility over the design and  
15 sales functions there.

16 Q. Since you were in the New York office, who ran  
17 the day-to-day operations at the Foxborough location?

18 A. So we had a couple of executives there, but  
19 Chuck Cioffi, who was our CFO, was basically the senior  
20 executive in charge of that facility.

21 Q. Will you spell Mr. Cioffi's name for the  
22 record?

23 A. Sure. C-i-o-f-f-i.

24 Q. Thank you, sir.

25 Sir, do you know Imran Alrai?

1 A. Yes, I do.

2 Q. How do you know him?

3 A. He was the CIO at Robert Allen when I joined  
4 Robert Allen and he was the CIO for a couple of years  
5 while I was there.

6 Q. Thank you, sir.

7 How much interaction did you have with  
8 Mr. Alrai?

9 A. He was on our senior management team and so  
10 when the whole team would get together, he would  
11 obviously be there. But his direct report was -- he was  
12 directly reporting to Chuck Cioffi, our CFO.

13 So it wasn't a lot of interaction. If I was  
14 in Foxborough, I would see him. If he was in New York,  
15 he would come and see me. If we had specific things to  
16 discuss with regard to projects that affected IT, we  
17 would have those conversations and anything that related  
18 to, you know, sort of macrobudgeting and aligning that  
19 with projects.

20 Q. Okay. When you joined the Robert Allen Group,  
21 what was the state of the IT department?

22 A. So the state of the IT -- well, so when I  
23 joined the company, it was in a fairly significant  
24 turnaround state, so we had a lot of things to do.

25 Specifically related to IT, the way I would



1 express it is the trains were on the tracks. So the --  
2 we could get data, we were getting accurate data. The  
3 reporting was accurate, but not very powerful. Sort of  
4 antiquated is the way I would think about it.

5 So the systems were relatively old, the  
6 reporting structures were relatively old, and so there  
7 were several things that we needed to do to upgrade and  
8 to make it, you know, more current was on the agenda.

9 So functioning, but old.

10 Q. Old. Okay. Is the IT department important to  
11 the success of the business?

12 A. Yes.

13 Q. How so?

14 A. Very -- very important.

15 So Robert Allen is primarily a design and  
16 marketing company. We don't manufacture, per se, but we  
17 design product and sold it. And being able to have  
18 access to who your customers are, what they're buying,  
19 being able to keep track of things like custom furniture  
20 that might be coming through, all of that is  
21 data-driven.

22 And so having histories of purchases, having  
23 accurate information with regard to inventory and, in  
24 particular and increasingly, the ability to keep track  
25 of what customers are buying in order to be able to

1 market to them more what they want. Those are all vital  
2 to what you -- what you're developing and providing.

3 Q. So when you came on at Robert Allen Group,  
4 given the old system, the old state of the technology,  
5 what were your goals? What did you want to see change  
6 in the IT department?

7 A. So our -- our need was significant. We needed  
8 to be able to keep -- keep the accuracy of all of the  
9 data and the histories. So one of the things to keep in  
10 mind, there's a big history at Robert Allen and a lot of  
11 our customers had a lot of data. We wanted to be able  
12 to keep all of that, but, more importantly, collect new  
13 information so that we could, again, keep track of, you  
14 know, a term called C R M, customer relationship  
15 management, as an example.

16 It's one thing to have customer data; it's  
17 something else to be able to have that data and be able  
18 to use it to go back to your customer and say, you liked  
19 this product, you might also like this product.

20 So the need to really get more agile, more  
21 specific information was critical. The ability to keep  
22 track of -- we have sample books and sample books cost  
23 money and you want to be able to keep track of them. We  
24 had no method of being able to do that when I came into  
25 the company. Being able to put barcodes on them, being

1 able to track them, would be, you know, very important.  
2 So change and evolution was the key asset.

3 Q. Okay. Did the company at that time have a --  
4 a functioning website?

5 A. We had a website. Functioning.

6 Q. What was the state of the website?

7 A. So we had a website and, in part, because we  
8 were to the trade, I think the original website was  
9 really geared much more toward providing information, as  
10 opposed to really being able to conduct commerce, so for  
11 people to actually buy directly.

12 And the website needed significant revamping.  
13 It was one of the big initiatives that we had was to  
14 create it not only as a more dynamic site that you could  
15 see product and see it in application, but also that you  
16 could purchase directly from it as a designer.

17 Q. Okay. How long did you and Mr. Alrai work  
18 together at the Robert Allen Group?

19 A. So I joined in autumn of 2011 and Imran left  
20 in the fall of 2013. So two years, not quite two years.

21 Q. Not quite two years.

22 How would you describe his job performance  
23 during that almost two-year period of time?

24 A. So -- mixed. There were -- as I say, one of  
25 the things that was important -- the context of the

1 company is it was a company with a lot of change and a  
2 lot of areas to focus on. Imran and the team, you know,  
3 were able to provide information. We were -- you know,  
4 we had the data that we needed from an historical  
5 context and it was coming out, you know, accurately and  
6 that was important. So on that front, it was good.

7 Where the frustration started to come was when  
8 we started launching new initiatives in order to be able  
9 to start to do some of the things like barcode a sample  
10 book, launch a new website, put WiFi in showrooms.

11 There -- you know, there were a list of  
12 projects that needed to be done and it got to be very  
13 frustrating because every time we went to make  
14 advancements or changes, you know, the cost estimate  
15 would come back or the time estimate would come back and  
16 it -- everything was long and expensive.

17 So very frustrating to me because we were  
18 trying to move quickly in order to be able to advance  
19 and I was getting very frustrated because it seemed to  
20 be taking a very long and expensive route to get  
21 anything -- to get IT advancements.

22 Q. And was Chuck Cioffi there when you first  
23 started?

24 A. No. I don't remember exactly when Chuck came  
25 on board, but Chuck would -- Chuck came on in -- working

1 on my memory here, but probably about a year after I was  
2 in place.

3 Q. Okay. So some of these conversations would  
4 not have involved Chuck Cioffi at that time?

5 A. No.

6 Q. Okay. During the almost two years that you  
7 worked with Imran Alrai, were there any -- ever any  
8 issues about outside employment?

9 A. Well, yes. We finished up with two different  
10 incidents. One was shortly after I had joined. Our  
11 head of HR made me aware of the fact that Imran was, in  
12 addition to his work with us, doing work with  
13 universities locally. And so I had a conversation with  
14 Imran and asked about that and he said that he had had a  
15 previous agreement with the -- with the management prior  
16 to me that it was okay for him to be involved with the  
17 universities.

18 And I said, well, we're in the middle of a  
19 turnaround; I don't see where you could have the time to  
20 be able to do that. I get that that's a worthy thing,  
21 but I don't see how we can have time to do that. And he  
22 said, well, he's not currently doing that. And I said  
23 that's fine.

24 So we -- we did have a policy -- as a result  
25 of that, I asked the question, you know, do we have a

1 policy related to this. And my understanding is that,  
2 you know, we have a policy that people can have outside  
3 employment, but they're supposed to disclose it and it  
4 has to be approved.

5 Q. Okay.

6 A. And so I reiterated that with Imran and said,  
7 you know, if you're going to take on a teaching  
8 assignment, then we have to have that conversation.

9 Q. Okay. So when did you have this conversation  
10 with him about teaching at local universities and  
11 getting approval and notification from him?

12 A. So, again, I'm relying on memory, but it would  
13 be sort of the spring of 2012.

14 Q. Okay. And you mentioned -- was there another  
15 incident later involving outside employment of  
16 Mr. Alrai?

17 A. So that was much later, 2013, late summer,  
18 early fall, where, again, a conversation -- I got a call  
19 from my head of HR who said that she had been at a  
20 meeting in Boston with other executive -- other HR  
21 executives from lots of different organizations in the  
22 Boston area and a woman approached her and said, oh, I  
23 see you're from Robert Allen.

24 And Maureen said, yes, I am. And she said,  
25 oh, well, I've got to tell you we just -- we love Imran

1 Alrai and I know he's, you know, from Robert Allen. And  
2 Maureen said, oh, how do you know him? Oh, he's -- you  
3 know, he's doing work with us.

4 So Maureen came back to the office and called  
5 me and I said, well, you know, there -- there can be two  
6 sides to this; maybe -- you know, it's a nonprofit -- it  
7 was United Way. It's a nonprofit, maybe he's  
8 volunteering to help them, maybe it's just an occasional  
9 thing. Let's have the conversation.

10 And so --

11 Q. Let me just stop you right now.

12 A. Sure.

13 Q. You've mentioned Maureen a few times. Are you  
14 referring to Maureen Johnson?

15 A. I'm sorry, yes, Maureen Johnson.

16 Q. And you just said you believe this happened in  
17 the fall or summer of 2013?

18 A. Yes.

19 Q. How did you come up with this time frame? I  
20 know it happened a long time ago, so ...

21 A. Well, so there -- so -- we had been in the  
22 process of thinking through some strategies through  
23 early 2013 to help Imran decide to move on to something  
24 else. I don't know how to say that other than I didn't  
25 want to fire him because it's not that he wasn't doing

1 the job, it's just the job wasn't being done well and it  
2 wasn't being done quickly enough.

3 So we developed some strategies for how we  
4 might be able to transition Imran out without putting  
5 risk on the business.

6 Q. Let me stop you there. Who's this "we" that  
7 was --

8 A. Oh, sorry. That was a combination of Chuck  
9 Cioffi and myself and -- I'm sorry, I don't remember if  
10 it was Judy or Maureen. HR, but it -- I think it was  
11 Maureen.

12 Q. Okay. And you've mentioned earlier that Chuck  
13 Cioffi did not start in November of 2011 with you?

14 A. No.

15 Q. He started a year later?

16 A. He started in 2012.

17 Q. Okay. All right. So, please, so you --

18 A. So, anyway, so those discussions were  
19 happening behind the scenes in order to be able to offer  
20 some opportunities to provide some continuity for Imran,  
21 but, actually, I wanted to begin interviewing for a new  
22 CIO --

23 Q. Okay.

24 A. -- and I wanted to do that with full  
25 disclosure, so Imran knew that we were moving on.



1 Equally, I didn't want to just throw the baby out with  
2 the bath water and say, you know, is there a way to be  
3 able to transition us.

4 That all came to a screeching halt when this  
5 question came up of does he already have another job.  
6 And so I said, well, I think we have to have the  
7 conversation with Imran to find out does he actually --  
8 is he actually working there or is he just volunteering  
9 there, what's the circumstance.

10 Q. Did you have that conversation with him?

11 A. We did.

12 Q. Okay.

13 A. I had that conversation. And -- and he was  
14 very straightforward about it. He said, yes, I'm  
15 working with United Way. And I said, what are you doing  
16 for them? Well, I'm their CIO. And I said, is that a  
17 full-time job? And he said yes. And I said, so let me  
18 get this straight. You're full time with us and you're  
19 full time with them. Yes. And you don't see a problem  
20 with that? No, I'm doing both jobs very well.

21 And I said, well, I'm sorry, but I need -- you  
22 know, I -- you know, I -- a choice has to be made and I  
23 think the choice should be that you should go with  
24 United Way.

25 Q. Okay. So what -- was this an in-person

1 meeting or a phone call, do you recall?

2 A. You know, I really have thought about this.  
3 Ordinarily I would have that circumstance -- I would  
4 have that conversation as an in-person. I think if I  
5 had had it as an in-person, it would be very clear in my  
6 memory that I had looked at Imran and that we looked  
7 each other in the eye and that we had that conversation.  
8 I don't have that. So I believe that it was a phone  
9 conversation.

10 Q. Okay. And in terms of the time frame between  
11 when Maureen told you about the conference, the HR  
12 conference, and finding out about the dual employment at  
13 United Way and when you had the conversation with the  
14 defendant, are we talking about months, weeks?

15 A. Oh, no. At most -- at most, weeks.

16 Q. Okay.

17 A. Yeah.

18 Q. Now, is it possible that you learned about the  
19 dual employment at United Way in 2012 and you waited a  
20 year before you addressed this issue?

21 A. That's not possible.

22 Q. Why not?

23 A. Well, a couple of different reasons. One,  
24 while it's certainly not illegal to do that, I'd have an  
25 ethical issue with it, not least of which is it's not

1 disclosed, but, secondly, a lot of people in that  
2 company were working 24 hours a day in order to get it  
3 turned around. It wouldn't be okay to not -- to not --  
4 it couldn't -- that couldn't be tolerated.

5 Q. Okay. So did you make the decision during  
6 that meeting to terminate Mr. Alrai?

7 A. Well, as I say, we were already in discussions  
8 about, you know, finding ways to talk with Imran in  
9 order to be able to have him move on in a very peaceable  
10 kind of way. This just was -- you know, there was just  
11 no need in having to, you know, coach around it in any  
12 way. It's just -- it was a clear problem. And so, yes,  
13 we decided at that point we need to transition.

14 But we didn't want to do it in a way which  
15 said, you know, you're -- you know, you're done, you'll  
16 be escorted to your desk, we're taking your number and  
17 so and on so forth. We still wanted to do it with a  
18 degree of respect and, you know, said, we think you  
19 should resign; we think, you know, we should do this in  
20 an orderly way. And -- and that's what we did.

21 Q. Okay. And the "we" you keep referring to, is  
22 that you and someone else?

23 A. It's the triumvirate. So, again, this is --  
24 this is a little awkward because he's a direct report to  
25 Chuck, so it's Chuck's ultimate call to work through the

1 details of, you know, here's your last day, here's when  
2 we're going to be working things through, and so on and  
3 so forth. But, you know, at that point, you know,  
4 there's -- there's an HR part of this conversation,  
5 there's his direct report, which is Chuck, and then me.  
6 So the three of us were in agreement.

7 Q. Now, was he allowed to resign versus being  
8 fired?

9 A. Yes.

10 Q. Okay. Do you recall when he left?

11 A. It was in -- I think it was in September. I  
12 don't know exactly which date.

13 Q. Of 2013?

14 A. Of 2013.

15 Q. Okay. Now, by the time Mr. Alrai resigned  
16 from Robert Allen Group, had Robert Allen Group hired a  
17 new CIO?

18 A. So the exact timing of that -- we started the  
19 interviewing process. I believe the -- his replacement,  
20 Dean Rivier, came in November. So, you know, we would  
21 have had a bridge period there.

22 Q. How do you spell Dean's last name?

23 A. That's trickier than Cioffi. I -- it's  
24 R-i-v -- R-i-v-i-e-r and I think there's an E at the end  
25 of it.

1 Q. E or an A?

2 A. I don't know if it's Riviera. Oh, sorry.

3 It's an A. It's Riviera.

4 Q. Okay. Thank you.

5 And how long did Mr. Dean Riviera work for you  
6 as CIO at the Robert Allen Group?

7 A. So Dean was there from November 2013 until I  
8 left, which was March of 2017.

9 Q. And how would you describe his performance as  
10 CIO?

11 A. Dean was terrific on a lot of fronts. Much of  
12 what we were looking for was this idea of being able to  
13 respond quickly to be able to deal with the fact that in  
14 some cases we had antiquated systems, but there had to  
15 be solutions that could be brought to bear. And he did  
16 exactly that, brought a number of different capabilities  
17 and, in some cases, you know, less expensive options to  
18 be able to get the job done.

19 So, yeah, Dean -- Dean was a very good hire  
20 and did a lot of very good things at Robert Allen.

21 Q. Sir, are you familiar with a company called  
22 DigitalNet Technology Solutions?

23 A. Yes, and now, obviously, a little more so.

24 Q. Sure. But then?

25 A. But then, yes. They were -- they were a part

1 of -- they were a company that was being recommended to  
2 help with some of the software changes that we were  
3 making website-related.

4 Q. And who made those recommendations for  
5 DigitalNet to do work for Robert Allen Group?

6 A. Imran.

7 Q. Okay. Were you then aware of any relationship  
8 Imran Alrai had with DigitalNet Technology Solutions?

9 A. No, of course not.

10 Q. Okay. Have you come to know that?

11 A. I have now, yeah.

12 Q. What, if any, role did you have in the  
13 contracts and negotiations and the work that DigitalNet  
14 performed on behalf of Robert Allen Group?

15 A. None.

16 MR. LE: Okay. Thank you, sir. Your Honor,  
17 the government tenders the witness.

18 THE COURT: Cross.

19 CROSS-EXAMINATION

20 BY MR. HARRINGTON:

21 Q. Good afternoon, Mr. Kowalczyk.

22 A. Good afternoon.

23 Q. So you're coming up from -- is it  
24 North Carolina, did you say?

25 A. Yes.

1 Q. Are you enjoying the weather?

2 A. It feels like Christmas outside.

3 Q. So I have a few questions for you,  
4 Mr. Kowalczyk.

5 In regard to Mr. Alrai working at the United  
6 Way and at Robert Allen, you indicated that when you  
7 found out about it from Ms. Johnson, you talked to Imran  
8 directly relatively quickly?

9 A. Yes.

10 Q. And your recollection is that that was  
11 sometime in the spring of 2013?

12 A. I think fall of 2013, late summer.

13 Q. Okay. And when you say the summer of 2013,  
14 you know, what time frame are you talking about? Do  
15 you -- can you pinpoint it any better? If you can't,  
16 you can't.

17 A. I -- trust me, in preparation for this, I've  
18 really been thinking about it. I don't recall. But,  
19 again, the sequence in timing would be, you know,  
20 related to the fact that, you know, in September Imran  
21 was gone. It would be a relatively short time period in  
22 front of that.

23 Q. Okay. Would it surprise you to learn that  
24 Ms. Johnson indicates that she advised you of the work  
25 with the United Way at some point in, she believes,

1 2012, summer 2012?

2 A. Yes, that would surprise me a lot.

3 Q. Okay. Would you agree with me that after you  
4 spoke with Imran about this and you basically had  
5 suggested to him, you know, you should go to United Way  
6 and stay, that he actually stayed for a period of time  
7 working both jobs?

8 A. Yes, there was a -- we -- as I said, we were  
9 trying to work an amicable agreement.

10 Q. Okay.

11 A. We were very clear about the fact that we were  
12 recruiting for his replacement. We didn't see -- there  
13 wasn't anything that said, you know, Imran is doing  
14 damage to the business and, therefore, needs to be gone;  
15 if he's going to work on a transition period, then we'll  
16 transition out, allowing him to resign, allowing us to  
17 keep the trains on the tracks.

18 Q. Okay. And it would be fair to say that you're  
19 not certain how long that time frame was?

20 A. Yes.

21 Q. I wanted to make sure I understood the answer  
22 that you gave when you were asked about when you talked  
23 with him about United Way and Robert Allen.

24 You indicate that he was very straightforward  
25 with you about it?



1           A.     Completely.

2           Q.     Okay.  He didn't try to hide it or  
3 misrepresent it to you in any way?

4           A.     Absolutely not.

5           Q.     Okay.  And you indicated, I think, that  
6 Mr. Alrai was doing the job as the CIO, but there was a  
7 general belief that, you know, it could be done better;  
8 it wasn't being done well, you wanted it to be done  
9 better.  Is that fair to say?

10          A.     Yes.  If you hear a question mark at the end  
11 of it, it's to do with the fact that the job was not  
12 being done badly, but it was not being done  
13 sufficiently.

14          Q.     Okay.  And let me ask about that, because one  
15 of the -- the questions that I wanted to talk to you  
16 about was you said that when you took the job as CEO --  
17 and I think you said you started in about the fall of  
18 2011, right --

19          A.     '11, correct.

20          Q.     -- that Robert Allen was at like a significant  
21 turnaround point, I think was your terminology; right?

22          A.     Yup.

23          Q.     Okay.  And one of the things you indicated is  
24 that, you know, the trains were on the track relative to  
25 IT --

1 A. Yes.

2 Q. -- but you're talking about old systems?

3 A. Uh-huh.

4 Q. Okay. And you just need to kind of  
5 verbally --

6 A. Yeah, sure. I got it.

7 Q. Now, in that regard, you had indicated that  
8 this was a family business when you came in, right?

9 A. Yes.

10 Q. And would it be fair to say that there wasn't  
11 a sufficient investment in IT?

12 A. Yes.

13 Q. Okay. And you would agree with me that  
14 Mr. Alrai was managing the system that he had?

15 A. Yes.

16 Q. Okay. But part of your job and what you  
17 wanted to do at this turning point is you wanted to move  
18 forward and make some significant changes to IT?

19 A. Yes.

20 Q. Now, in regard to DigitalNet, as the CEO, were  
21 you familiar with the contracts that were entered into  
22 on behalf of Robert Allen and DigitalNet?

23 A. No, not very much.

24 Q. Was that staffed out to somebody?

25 A. So -- right. Chuck Cioffi would have been --

1 well, to be honest, most of that would be Imran, both  
2 making recommendation of choice, but also working  
3 through the details of the contract because ultimately  
4 as the CIO he would be responsible for making sure they  
5 execute. He would then probably work through some of  
6 those details with Chuck.

7 Q. Okay.

8 A. Sorry, Chuck Cioffi. Sorry. I should --

9 Q. And are you aware that -- either directly or  
10 through Mr. Cioffi -- that there was some discussion and  
11 an attempt to enter into a contract with Mr. Alrai to  
12 stay at Robert Allen for a period of time while he was  
13 at United Way as well?

14 A. No.

15 Q. You're not aware of that?

16 A. So, again, the reason that I have to hesitate  
17 is we had worked through a number of different  
18 discussions, you know, Chuck -- sorry, Mr. Cioffi,  
19 Ms. Johnson and myself, we'd worked through a number of  
20 different discussions of ways to transition Imran out  
21 prior to being aware of United Way and then post being  
22 aware of United Way.

23 So we were trying to work this as a pretty  
24 smooth transition. It is entirely conceivable that  
25 Chuck would have worked something or attempted to work

1 something out with Imran to say, you know, for this  
2 bridge period until we have a new CIO, will you continue  
3 to oversee things. That's possible.

4 Q. Okay. And that wouldn't be a direct report to  
5 you, that type of a situation?

6 A. Uh-uh.

7 Q. Okay.

8 THE COURT: Is that a no?

9 THE WITNESS: Sorry?

10 THE COURT: Not a direct report to you?

11 THE WITNESS: Mr. Cioffi is a direct report to  
12 me.

13 THE COURT: The question was and that wouldn't  
14 be a direct report to you type of situation.

15 We have an uh-huh (sic), but I don't know if  
16 you mean yes or no.

17 THE WITNESS: Oh, I'm sorry.

18 A. Unless we actually entered into that  
19 agreement, it wouldn't come to me.

20 Q. Okay. So you're indicating that -- that the  
21 discussion about it -- let's say that there was a  
22 contract that was being negotiated by Mr. Cioffi back  
23 and forth with Mr. Alrai. You wouldn't be informed of  
24 that at all unless it was entered into, the contract?

25 A. The concept of it is something that we would

1 talk about, yes.

2 Q. Yeah. And that's what I meant by direct  
3 report, that Mr. Cioffi would say, you know, you're the  
4 CEO, I'm thinking of doing this, we're going to maybe do  
5 a contract --

6 A. Oh, yes --

7 Q. -- with Imran?

8 A. -- yes, yes. Yeah, for sure. I misunderstood  
9 the question.

10 Q. But you don't recall having that conversation?

11 A. No.

12 Q. With Mr. Cioffi?

13 A. No.

14 Q. Okay. In regard to the CIO, would that be a  
15 direct report to you --

16 A. No.

17 Q. -- the chief information -- who's going to  
18 report to Mr. Cioffi --

19 A. Yes.

20 Q. -- who's the direct -- okay.

21 A. Yes.

22 Q. Okay. So Dean Riviera would be a direct  
23 report to Mr. Cioffi?

24 A. That's correct.

25 Q. And I'm probably not saying his name

1 correctly. Is it Cioffi?

2 A. You know what, when he's here, ask that  
3 question. Because he will answer --

4 Q. You're the CEO.

5 A. He will answer to both. I've always said  
6 Cioffi. He does answer to Cioffi. So ask him his  
7 preference.

8 Q. So let me ask you this, Mr. Kowalczyk.

9 In regard to contracts that were entered into  
10 with DigitalNet -- because you are aware that Robert  
11 Allen entered into four contracts with DigitalNet?

12 A. Yup.

13 Q. Okay. And as part of that, did either  
14 Mr. Cioffi as a direct report to you communicate the  
15 status of the contract between Robert Allen and  
16 DigitalNet as perhaps reported to him by Mr. Riviera?

17 A. Okay. So I just need to understand the  
18 question.

19 Q. Want me to repeat it --

20 A. Yes.

21 Q. -- in a different way?

22 A. Yes, please.

23 Q. So would you start -- let's look at the  
24 business hierarchy --

25 A. Yup.

1 Q. -- you as the CEO --

2 A. Yes.

3 Q. -- Mr. Cioffi as your direct report --

4 A. Yup.

5 Q. -- and under him, Dean Riviera?

6 A. Now, Dean, he's here. Okay, yes. Now I get  
7 the timing. That's what I was confused on. Okay.

8 Q. So the contracts that are entered into between  
9 DigitalNet and Robert Allen --

10 A. Uh-huh.

11 Q. -- would those discussions, like what's going  
12 on with the contracts, how are they being performed,  
13 things okay, that type of thing, is that going to kind  
14 of funnel up to you and you're going to have discussions  
15 about it with your --

16 A. Not on a day-to-day basis, but in this  
17 particular case it did because Dean was there a  
18 relatively short period and discovered that things were  
19 not getting done the way they were supposed to get done.  
20 We'd already paid a significant amount of money,  
21 delivery was not happening, and he lacked the belief  
22 that it was going to be getting any better.

23 At one point there was a recommendation that  
24 we actually get legal involved and say, there's a breach  
25 of contract, we should, you know, be refunded funds and

1 so on and so forth.

2 Q. Okay.

3 A. So certainly by the point that we're going to  
4 get into a litigious discussion that would come up to  
5 me.

6 Q. Okay. But the day-to-day stuff is going to  
7 probably stay down with Mr. Cioffi and Mr. Riviera?

8 A. Uh-huh.

9 Q. Okay. You would agree with me, as the CEO,  
10 obviously, you would have this ultimate decision, I  
11 would assume, as to whether to file a lawsuit or engage  
12 in litigation; that would be why it would funnel up to  
13 you, right?

14 A. Correct.

15 Q. Okay. And in this particular case, no lawsuit  
16 was ever filed against DigitalNet for a breach of  
17 contract, right?

18 A. We did engage an attorney in order to be able  
19 to start that process of saying, look, we want to go on  
20 the record, we are not -- you know, we're not happy, we  
21 believe there's a breach, we believe that we should have  
22 refunds, and that sort of thing --

23 Q. Yup.

24 A. -- but I don't believe that we went down the  
25 path of actually conducting a suit.



1 Q. Sure. And it makes sense; you're going to  
2 engage counsel, find out what your rights and  
3 obligations are, and make an informed decision. Right?

4 A. Uh-huh.

5 Q. Okay. And as you've indicated, ultimately  
6 that decision, after consulting with counsel, was that  
7 you were not going to file a lawsuit against DigitalNet  
8 for breach of contract, correct?

9 A. Correct.

10 MR. HARRINGTON: Okay. May I just have one  
11 moment, Judge?

12 THE COURT: Yup.

13 MR. HARRINGTON: I have no other questions for  
14 this witness.

15 THE COURT: Any redirect?

16 MR. HARRINGTON: Thank you, Mr. Kowalczyk.

17 MS. LE: Thank you, your Honor.

18 REDIRECT EXAMINATION

19 BY MS. LE:

20 Q. Mr. Kowalczyk, you said that you would be  
21 surprised if the conversation between Maureen Johnson  
22 and the person at United Way occurred in 2012.

23 A. Very much so --

24 Q. Okay.

25 A. -- yes.

1 Q. Why is that?

2 A. Just from a point of -- just from a point of  
3 view of -- look, it's not illegal to have two jobs, but  
4 I have to ask the question from an ethical point of view  
5 that says is that -- is that okay. And then, secondly,  
6 we have a company policy that says if you're going to do  
7 that, you have to disclose it.

8 So if you've breached company policy, as the  
9 CEO, I can't stand by and say, well, and we'll just sort  
10 of look the other way on this.

11 So, again, you know, my recollection of the  
12 situation is that we became aware of it, we had the  
13 conversation verified that it was true, and then we said  
14 then you can't continue here and let's find a smooth way  
15 to have you exit.

16 Q. And your recollection is this happened in  
17 2013?

18 A. That's correct.

19 MS. LE: Thank you.

20 I have no further questions, your Honor.

21 THE COURT: Let me just drill down that a  
22 little bit.

23 THE WITNESS: Sure.

24 THE COURT: You mentioned -- you mentioned  
25 that answer what I think of as three issues: The

1 ethical standpoint, the company policy standpoint, and  
2 just plain, good business standpoint, right?

3 I understand the latter two. The policy is  
4 the policy; sharing your chief information officer with  
5 another company, probably not good business.

6 What do you mean by the ethical point? What  
7 was your first point?

8 THE WITNESS: So the -- this may just be a  
9 personal philosophy, but -- but the idea that you are  
10 committed in your work, to your work is, you know, a  
11 fundamental of -- of a good leader. And CIO is a  
12 very senior executive in a company and if you are  
13 demonstrating that you're, you know -- one foot on the  
14 boat and one foot on the dock is not -- that -- that  
15 belies pure passion for your job.

16 THE COURT: Uh-huh.

17 THE WITNESS: So that's -- you know, that's  
18 where -- that's where I feel like it really crosses a  
19 line.

20 The second part of it is omission -- it's one  
21 thing to answer the question directly, are you working  
22 for another company, and for somebody to look back at  
23 you and go, yeah, completely, which I have to say was  
24 pretty shocking to me. I admire the honesty, but not  
25 the outcome.

1           There's another side of it is if I hadn't  
2   asked the question, how long would this have gone on?  
3   So --

4           THE COURT:   I see.

5           THE WITNESS:  Does that answer your question?

6           THE COURT:  It does.  When you're talking  
7   about a foot on the dock or out of the boat -- and I  
8   don't want to put words in your mouth, so it's very  
9   important here that if this isn't what you're conveying,  
10  just explain it to me.

11          THE WITNESS:  Okay.

12          THE COURT:  One aspect of that is just a lack  
13  of 100 percent commitment to one's job duties.  The  
14  other one is that if your foot's off the boat and is on  
15  another boat, that might be viewed by some as a  
16  conflict.

17          Is that what you -- are you driving at that as  
18  well or are you not talking about that?

19          THE WITNESS:  So thank you for the clarity.

20          It is about the hundred percent commitment.  
21  If he were -- if the second job was working for a  
22  competitor or working for a supplier, then I'd have a  
23  much bigger ethical, possibly even legal, challenge of  
24  the conflict you're talking about.

25          In this particular instance, United Way,

1 Robert Allen, I didn't see it as poor judgment from a  
2 conflict point of view, but certainly not a hundred  
3 percent passion to what we needed to be done.

4 THE COURT: Thank you.

5 If anybody wants to follow up on that --  
6 actually, I didn't even give you your recross yet, so go  
7 ahead.

8 MR. HARRINGTON: No, Judge. I don't have any  
9 follow-up questions. Thank you.

10 MS. LE: Nothing --

11 THE COURT: Attorney Le, anything?

12 MS. LE: -- further.

13 THE COURT: Thank you, sir.

14 MS. LE: Thank you, Mr. Kowalczyk. Safe  
15 travels, sir.

16 THE WITNESS: Thank you.

17 (Witness excused.)

18 MS. LE: Your Honor, the government calls  
19 Chuck Cioffi or Cioffi. We will ask him what his  
20 preference is.

21 THE COURT: It won't solve the mystery because  
22 he'll have relatives that do it differently.

23 THE CLERK: Good afternoon, sir. If you'd  
24 like to step this way, please.

25 Please step into the witness box and remain

1 standing.

2 THE WITNESS: Sure.

3 THE CLERK: Please raise your right hand.

4 **CHARLES CIOFFI**, having been first duly sworn,  
5 testified as follows:

6 THE CLERK: For the record, please state your  
7 full name and spell your last name.

8 THE WITNESS: Charles Cioffi, C-i-o-f-f-i.

9 THE CLERK: Thank you. Please be seated.

10 DIRECT EXAMINATION

11 BY MS. LE:

12 Q. So we had a debate earlier about how to  
13 pronounce your name properly. What is your preference,  
14 sir?

15 A. Cioffi.

16 Q. Cioffi?

17 A. Cioffi, yeah.

18 Q. Okay.

19 A. Cioffi.

20 Q. Not Cioffi?

21 A. That was how my grandfather -- when he came  
22 to America, he Americanized it. I went back to the  
23 Italian --

24 THE COURT: I told you.

25 Q. Mr. Cioffi, are you also known as Chuck?

1 A. I am.

2 Q. Mr. Cioffi, where do you live?

3 A. I live at 848 --

4 Q. Oh, please, don't give me your full address --

5 A. Okay.

6 Q. -- just the city and state.

7 A. Sorry about that.

8 Q. Thank you.

9 A. I live in St. Louis, Missouri.

10 Q. Have you lived in St. Louis, Missouri, your  
11 whole life?

12 A. All but seven years.

13 Q. Okay. During those seven years, where did you  
14 live?

15 A. I lived in Connecticut and I've lived in the  
16 Boston area, in Foxborough, and I've lived in Baltimore.

17 Q. Okay. What do you do for a living, sir?

18 A. I'm currently a chief financial officer.

19 Q. What company employs you?

20 A. Contegix.

21 Q. How do you spell that?

22 A. C-o-n-t-e-g-i-x.

23 Q. How long have you been with Contegix?

24 A. Since January of 2018.

25 Q. I'd like you to give a brief background on

1 your work history for the Court.

2 A. Sure. I have about -- I have 34 years of work  
3 experience. My professional business career can be  
4 broken down into three chunks. The first part of my  
5 career was spent in the professional services industry.  
6 I worked for Ernst & Young as a CPA.

7 After spending 12 years, I then began my  
8 private industry experience. I worked in the -- what I  
9 would call the direct-to-consumer industry. I worked  
10 for a company called Knights Direct.

11 At Knights Direct, I was hired as a CFO to  
12 orchestrate a turnaround. And Knights Direct had two  
13 brands, Home Decorators Collection and Soft  
14 Surroundings.

15 Q. Okay.

16 A. From there, we sold the business to Home Depot  
17 and Home Depot promoted me to become the general manager  
18 running that business and I was there for four years.

19 I left there after four years, after five  
20 bosses, and I was -- a headhunter reached out to me --  
21 I'm sorry. Between there, I worked for HDA, Home Design  
22 Alternatives, and they were a retailer that sold books  
23 and magazines to retail stores, to over 14,000  
24 throughout the United States.

25 Q. Okay.



1           A.     From there I became Robert Allen's chief  
2     financial officer, worked there for four years, and was  
3     promoted to COO and ultimately left there to go work for  
4     a grill company in Baltimore, stayed there for a year,  
5     and after that I returned to St. Louis and January 18th  
6     I got my current position.

7           Q.     Great. Now, sir, what time period did you  
8     work for the Robert Allen Group?

9           A.     I worked for Robert Allen from the period of  
10    August 2012 to August of 2016.

11          Q.     Okay. You started off as CFO and then  
12    eventually became the COO?

13          A.     Yes, I held dual titles.

14          Q.     Okay. When you first started, you were just  
15    the CFO, right?

16          A.     That's correct.

17          Q.     Okay. Not just, I don't mean --

18          A.     Yeah.

19          Q.     -- to imply --

20          A.     I understand what you mean.

21          Q.     In August of 2012 when you joined the Robert  
22    Allen Group, what was the management structure?

23          A.     The management structure, I reported directly  
24    to Phil Kowalczyk, the CEO, and there were probably I  
25    think seven other direct reports that Phil had.

1 Q. Okay. Who reported to you?

2 A. I had -- the vice-president of finance  
3 reported to me, I had the assistant vice-president of  
4 credit, the director of logistics, the CIO. I also had  
5 the vice-president of operations reporting to me.

6 Q. Okay. Where were you physically located when  
7 you worked for the Robert Allen Group as their CFO?

8 A. I was located in Foxborough, Massachusetts.

9 Q. Okay. You mentioned the people that you  
10 oversaw. Do you have a broader area of oversight than  
11 your direct reports?

12 A. I did. I was responsible for the legal  
13 capacity of the company, overseeing all contracts, and  
14 in addition to that I was overseeing the real estate  
15 properties of the organization.

16 Q. Thank you, sir.

17 Mr. Cioffi, do you know Imran Alrai?

18 A. Yes.

19 Q. How do know Mr. Alrai?

20 A. He was the CIO of Robert Allen when I was  
21 hired.

22 Q. Okay. And how long did you and Mr. Alrai work  
23 at Robert Allen Group together?

24 A. A little over a year.

25 Q. He was the CIO, so what was his area of

1 responsibility?

2 A. As CIO, he was responsible for ensuring the  
3 company had the information technology to support its  
4 business missions, encompassing a whole bunch of facets  
5 to that.

6 Q. Okay. And is the IT department important to  
7 Robert Allen Group's business operations?

8 A. Yes.

9 Q. How so?

10 A. In multiple facets. Robert Allen, unlike a  
11 lot of other businesses, went to market in multiple  
12 channels. It had retail showrooms, it had a book, a  
13 sample book, it had a website, and it actually had a  
14 sales force. And so you had multiple sources of  
15 information and different channels that you sold your  
16 product through.

17 Q. Okay. How many people reported to Mr. Alrai  
18 during that year that you overlapped with him?

19 A. I -- I would have to guess between 13 and 15,  
20 I think.

21 Q. Okay. And when he was the CIO, he reported to  
22 you directly?

23 A. Correct.

24 Q. Okay. And during your year of overlap, did he  
25 work on-site at the Foxborough location?

1 A. No.

2 Q. What was his work situation?

3 A. He came in the office several times a week.

4 Q. Okay. What is several times a week? What do  
5 you mean?

6 A. I think -- I don't remember exactly. I think  
7 it was at least two -- two times a week.

8 Q. Okay.

9 A. Could have been three.

10 Q. And what kind of manager are you? Do you need  
11 to know where your people are all the time, what they're  
12 doing all the time?

13 A. No.

14 Q. Okay. So with respect to supervising Imran  
15 Alrai since he was a CIO and worked off-site part of the  
16 time, how did you manage that?

17 A. I managed that with respect to him  
18 understanding what the objectives were and what the  
19 corporate initiatives and his job in terms of executing  
20 those in a timely fashion.

21 Q. Okay. To your knowledge, did any other Robert  
22 Allen executives who were located in Foxborough work  
23 remotely?

24 A. Not to my knowledge.

25 Q. Okay. When you joined the Robert Allen Group

1 in 2012, what was the state of the IT department?

2 A. It was stable. The department had a lot of  
3 projects that were placed upon it because of the  
4 corporate initiatives that we were in a turnaround mode.

5 Q. So someone else has used the term turnaround.  
6 Would you explain what that means?

7 A. Sure. Robert -- a turnaround is a situation  
8 of a company where the company's financial performance  
9 is not meeting expectations. There could be some  
10 distress, it could be a financially oriented situation,  
11 or it could be because of some competitive pressures in  
12 the marketplace.

13 Q. Okay. And what was the situation at Robert  
14 Allen when you joined in 2012?

15 A. The company had just been purchased by a  
16 private equity firm and as a result, the private equity  
17 firm had some plans to grow the business. But first, in  
18 order to grow, we had to restructure the business and  
19 put more technology in and different business processes  
20 and organize a -- organize our businesses in a more  
21 effective manner.

22 Q. So with respect to the turnaround and how  
23 information technology would help in that turnaround,  
24 can you tell us about some of those initiatives that you  
25 were trying to bring in?

1           A.     Sure. They were multifaceted in terms of --  
2     because as I previously said, the company operated in  
3     multiple channels. So the company at that time I  
4     believe had approximately 15 corporate trade showrooms  
5     throughout the United States. Those showrooms had been  
6     neglected, both not only in terms of the size, its  
7     infrastructure, from the telephone system, to lacking  
8     WiFi, to lacking the ability for clients when they came  
9     in to order things, so we had initiatives to improve the  
10    showroom technology.

11               We had -- Robert Allen actually pioneered the  
12    sample book and the sample book, we -- approximately  
13    150,000 of these sample books were distributed annually  
14    to interior designers and we didn't have a good way to  
15    track the performance or even where the -- the sample  
16    book was at. So we had an initiative to be able to  
17    track the sample book and track its performance.

18               We needed to upgrade the company's ERP system  
19    that was put in 1998. It was outdated. It was costly  
20    to run. So those --

21           Q.     What is ERP?

22           A.     Yeah, ERP stands for enterprise resource  
23    planning.

24           Q.     Okay. You said it hadn't been updated since  
25    1988?

1           A.     Correct.

2           Q.     What does the ERP system have to do with the  
3 business operations?

4           A.     It's extensive in nature. An ERP system by  
5 its nature allows the functional departments to have a  
6 central point, a computer system, to execute the  
7 business from the standpoint of customers placing an  
8 order in different locations to the actual fulfillment  
9 of the order, the inventory system that manages the  
10 inventory, to purchase the inventory, et cetera. It's  
11 all-encompassing.

12          Q.     Okay. Now, so with respect to these kind of  
13 IT initiatives that you've just mentioned --

14          A.     Uh-huh.

15          Q.     -- briefly, what, if any, responsibilities did  
16 the defendant have as the CIO?

17          A.     He was central to the execution of all those.

18          Q.     Okay. Now, how would you describe the  
19 defendant's job performance during that year that he  
20 worked as CIO under you?

21          A.     I would describe that they were adequate, but  
22 I felt after being there for six months or so that he  
23 lacked the knowledge and the talent to get us to the  
24 next level to encompass a digital transformation.

25          Q.     Okay. Did something happen during that ERP

1 process that you mentioned earlier that made you come to  
2 this conclusion?

3 A. Yeah, that was an element of it. The element  
4 was the fact that how it was being conducted, I don't  
5 recall us doing a bottoms-up business requirements,  
6 which is essential for us to determine how to -- how to  
7 select the right application.

8 Q. Okay. And what was his role in that ERP  
9 process?

10 A. He was the central point person for that in  
11 order to work with all the various business departments  
12 to gather up their requirements and then to either  
13 document them in various forms, could be flow chart, it  
14 could be a swimlane, so you can actually understand how  
15 the business process operates.

16 Because when you implement an ERP system, it's  
17 not just the computer. You have to develop changed  
18 management and how you do things.

19 Q. Okay. And what was -- was there any feedback  
20 about his role in the ERP process?

21 A. Yeah. From a lot of the folks I spoke with,  
22 they were frustrated with the process. They felt they  
23 didn't have an active role in it and didn't really  
24 understand what we were accomplishing.

25 Q. Okay. And was there any -- any of those



1 concerns directed towards Mr. Alrai?

2 A. Yes.

3 Q. What were those concerns that were directed at  
4 Mr. Alrai?

5 A. As I just mentioned.

6 Q. Oh, all those concerns --

7 A. Yes --

8 Q. -- were about him?

9 A. -- uh-huh.

10 Q. Okay. Did you have any concerns about his  
11 leadership of his staff in the IT department?

12 A. Yes.

13 Q. What were those concerns?

14 A. Well, one, I think after a while it became  
15 apparent to me that given all of the initiatives that  
16 you need to have a physical presence. That became one.  
17 I felt there was a lack of project management.  
18 It's really central to running multiple projects to be  
19 able to manage time effectively of a staff and I didn't  
20 feel that that was being done effectively.

21 Q. At some point did you communicate with  
22 Mr. Alrai about your concerns related to the ERP  
23 process, the IT department, that kind of thing?

24 A. Yeah, we had discussions.

25 Q. Was it an ongoing process?

1           A.     We had periodic meetings.  We met biweekly --

2           Q.     Okay.

3           A.     -- and we would discuss the various tasks that  
4     were being done.

5           Q.     Okay.  Now, sir, at some point did you become  
6     aware that Mr. Alrai had a second job at the United Way?

7           A.     I don't recall when I became aware of that.

8           Q.     Okay.

9           THE COURT:  Well, the question wasn't when;  
10    the question was at some point did you become aware  
11    during your time there.

12          THE WITNESS:  I knew that he was -- I was made  
13    aware that he was employed as -- I don't -- in some type  
14    of I think it's called University of Southern  
15    New Hampshire in some role as an educator.  Okay?

16          THE COURT:  Yup.

17          THE WITNESS:  And that's what I became aware  
18    of first.

19          Q.     Okay.  So you were aware of outside  
20    employment --

21          A.     I was aware --

22          Q.     -- for teaching?

23          A.     Correct.

24          Q.     Okay.  At some later point, did you also  
25    become aware of an issue related to the United Way?

1           A.    I don't know if I recall that, whether it was  
2   United Way or not.

3           Q.    Okay. But you have a specific recollection  
4   about teaching --

5           A.    Absolutely --

6           Q.    -- outside teaching?

7           A.    -- I recall the teaching.

8           Q.    Okay.

9           A.    Because I remember discussing the teaching  
10   classes that he was teaching.

11          Q.    Okay. Tell me about that conversation.

12          A.    It was just briefly, you know. We would talk  
13   about those type of things. I can't remember all the  
14   details about it, but we would talk about the nature,  
15   that he was teaching and some of the details about  
16   class. I don't remember what they were. It's been six  
17   years, so ...

18          Q.    Okay. So did you give him approval to teach?

19          A.    No.

20          Q.    Okay. What is your understanding about any  
21   approvals he received to teach?

22          A.    That was done before I got there.

23          Q.    Okay. Now, I want to talk to you a little bit  
24   about a company called DigitalNet Technology Solutions.  
25   Okay?

1 Are you familiar with them?

2 A. Yes.

3 Q. Okay. How are you familiar with DigitalNet  
4 Technology Solutions?

5 A. It was a company that Robert Allen entered  
6 into four contracts with.

7 Q. Who introduced DigitalNet to the Robert Allen  
8 Group?

9 A. Imran.

10 Q. Okay. And what kind of services did you  
11 contract with DigitalNet for, just generally?

12 A. One contract was -- there were two contracts  
13 for staff augmentation; one of the contracts was for a  
14 RPG programmer, another contract was for a .net  
15 contractor; another contract was for a telephony phone  
16 system for three of our showrooms; and the other  
17 contract was for staffing services to help us develop a  
18 new website.

19 Q. Okay. Did you just mention six contracts or  
20 four?

21 A. I thought I mentioned four.

22 Q. Okay. What are the four contracts?

23 A. There's -- I said there were two professional  
24 services: One RPG, one .net, one telephony, and one  
25 professional services for the website development.

1 Q. Okay.

2 A. Sorry if I was confusing you.

3 Q. Okay --

4 A. That's four.

5 Q. -- so let's be clear.

6 You had two different programmers, right?

7 A. Right.

8 Q. The .net and the RPG program?

9 A. Correct.

10 Q. And for phone services?

11 A. Yes.

12 Q. And one for people to help you with the  
13 website?

14 A. Correct.

15 Q. All right. Good.

16 THE COURT: Ms. Le, let me ask you --

17 MS. LE: Sure.

18 THE COURT: -- and I don't want to rush you at  
19 all. How much more time do you have on direct?

20 MS. LE: I'm only about halfway through, your  
21 Honor.

22 THE COURT: Let's take a lunch break then.

23 Let's try to reconvene at 1:45.

24 (Lunch recess taken at 12:45 p.m.)

25

C E R T I F I C A T E

I, Liza W. Dubois, do hereby certify that the foregoing transcript is a true and accurate transcription of the within proceedings, to the best of my knowledge, skill, ability and belief.

Submitted: 4/10/2020

/s/ Liza W. Dubois  
LIZA W. DUBOIS, RMR, CRR